

1 **ORDINANCE BILL NO. 2-21**

2 AN ORDINANCE RELATING TO WASTEWATER PRETREATMENT; AMENDING
3 SRC 74.030, 74.050, 74.410, 74.455, and 74.500.

4 *The City of Salem ordains as follows:*

5 **Section 1.** SRC 74.030, 74.050, 74.410, 74.455, and 74.500 are hereby amended as set
6 forth in Exhibit A, attached hereto and by reference incorporated herein.

7 **Section 2. Findings.** These amendments are a result of the most recent audit of the City’s
8 Industrial Pretreatment Program by the Oregon Department of Environmental Quality
9 (DEQ).

10 As a component of the Pretreatment Compliance Audit from DEQ, the Audit Team compared the
11 Sewer Use Ordinance (SUO) with the provisions of 40 CFR Part 403 and observed the following
12 deficiencies and inconsistencies:

- 13 1. It is recommended that the City revise the definition of “control authority” to clarify that
14 the control authority is the City since the City’s pretreatment program is approved.
- 15 2. The City is required to add the definition of best management practices, as defined at 40
16 CFR 403.3(e) to the SUO.
- 17 3. The City is required to revise the specific prohibition of wastewater that may cause
18 corrosive structural damage to the SUO to specifically prohibit discharges with pH less
19 than 5.0.
- 20 4. The City is required to revise its specific prohibition of hazardous waste to more clearly
21 define the type of waste being prohibited.
- 22 5. The City is required to revise the SUO to specify that time-proportional sample collection
is only allowed if this sample type is representative of the discharge and the City has
documented its decision to allow time-proportional sampling for a specific industrial user.
6. It is recommended that the SUO be revised to correctly cite the hazardous waste reporting
requirements (40 CFR Part 261) in the federal regulations.
7. The City is required to revise the language at Section 74.500 to specify that confidential
information may be available to governmental agencies such as DEQ and EPA.

21 **Section 3. Codification.** In preparing this ordinance for publication and distribution, the
22 City Recorder shall not alter the sense, meaning, effect or substance of this ordinance, but
within such limitations, may:

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- (a) Renumber sections and parts of sections of the ordinance;
- (b) Rearrange sections;
- (c) Change reference numbers to agree with renumbered chapters, sections or other parts;
- (d) Delete references to repealed sections;
- (e) Substitute the proper subsection, section or chapter, or other division numbers;
- (f) Change capitalization and spelling for the purpose of uniformity;
- (g) Add headings for purposes of grouping like sections together for ease of reference; and
- (h) Correct manifest clerical, grammatical or typographical errors.

Section 4. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

PASSED by the City Council this _____ day of _____, 2021.

ATTEST:

City Recorder

Approved by City Attorney: _____

Checked by: Jim VanHouten, Environmental Services Supervisor