



Staff Report

File #: 21-79

Version: 1

Date: 4/12/2021

Item #: 6. a.

TO: Mayor and City Council

THROUGH: Steve Powers, City Manager

FROM: Peter Fernandez, PE, Public Works Director

SUBJECT:

Notice of Proposed Administrative Rule for Wastewater Pretreatment and Monitoring Systems.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe, Reliable, and Efficient Infrastructure; Good Governance; Strong and Diverse Economy; Welcoming and Livable Community.

ISSUE:

Notice of proposed administrative rulemaking to modify Administrative Rule 109-001 to establish a definition of Best Management Practices (BMPs) Pretreatment and Monitoring Systems pursuant to *Salem Revised Code* (SRC) Chapter 20J.040(a)(3).

RECOMMENDATION:

Information only.

SUMMARY:

Administrative Rule 109-001 is being modified to reflect recent updates to SRC Chapter 74 (Pretreatment Provisions). Staff will present on **April 12,**

2021, amendments to the definition of Best Management Practices: Pretreatment and Monitoring Systems contained in Administrative Rule 109-001_109-007-public-works-design-standards_0001.

FACTS AND FINDINGS:

The authority to promulgate administrative rules is granted under SRC 20J.030. SRC 20J.040 outlines the procedure for adopting an administrative rule. This procedure requires providing notice of the proposed rulemaking to the City Council along with other methods of public notice. Adopting the administrative rule allows interested persons to be included in the rulemaking process and is in the public interest.

City Council has the authority to review a proposed administrative rule. City Council's review authority is limited to determining whether the proposed rule is within the scope of the Code authority, whether the rule is duplicative, or conflicts with, another rule or law, or if the proposed rule is outside of the City Manager's administrative rulemaking authority. Where appropriate, environmental and social costs also may be a factor in the decision-making process.

The public notice for the proposed administrative rule change was mailed to affected parties and posted on **March 16**, 2021. All public comments were due by **April 6**, at 5:00 p.m. The administrative rule will become effective on **April 12**, 2021.

Best Management Practices (BMPs). As it applies to storm water systems: The technique, measure, or structural control that is used for a given set of conditions to manage and prevent erosion, control sediment, and improve the quality of storm water runoff.

Best Management Practices (BMPs). As it applies to Pretreatment and Monitoring Systems: The schedules of activities, prohibitions of practices, maintenance procedures, and other management practices as described in 109-001 109-007-public-works-design-standards, DIVISION 003 SANITARY SEWER COLLECTION SYSTEM, 3.4 Pretreatment and Monitoring Systems. to implement the prohibitions listed in section 40 CFR 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

BACKGROUND:

The purpose of the Public Works Design Standards (Design Standards *or* Standards) in the Administrative Rule is to establish minimum design parameters and practices for the City of Salem's (City) public infrastructure and certain private infrastructure as required in Salem Revised Code (SRC) that enhance public health and safety, protect the environment, and provide for the delivery of quality infrastructure.

The City manages the public infrastructure utilizing asset management principles. Infrastructure investments shall be based on life cycle costs, including the operation and maintenance costs over the life of the asset.

Mark Becketl, AICP
Operations Division Manager

Attachments:

1. Notice Proposed Administrative Rulemaking 1009-001
2. Proposed Administrative Rule Text