



## Staff Report

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**File #:** 21-87

**Version:** 1

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**Item #:** 7.2 a.

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**TO:** Mayor and City Council

**THROUGH:** Steve Powers, City Manager

**FROM:** Peter Fernandez, PE, Public Works Director

### **SUBJECT:**

Amending Wastewater Pretreatment Provisions, *Salem Revised Code* Chapter 74

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe, Reliable, and Efficient Infrastructure

### **ISSUE:**

Shall the City Council conduct second reading of Ordinance Bill No. 2-21 to adopt Federal pretreatment regulations and enact Ordinance Bill No. 2-21?

### **RECOMMENDATION:**

Staff recommends the City Council conduct second reading of Ordinance Bill 2-21, which adopts Federal pretreatment regulations and enact Ordinance Bill No. 2-21.

### **SUMMARY:**

The purpose of *Salem Revised Code* Chapter 74 is to establish uniform requirements for direct and indirect discharges of pollutants from nondomestic sources into the City's wastewater collection and treatment system and to ensure the City complies with all applicable state and federal laws. The objectives of this chapter are to:

- (1) Prevent the introduction of pollutants into the City wastewater system which will interfere with the operation of the wastewater system;
- (2) Prevent the introduction of pollutants into the City wastewater system which will pass

inadequately treated through the wastewater system into the waters of the State or the atmosphere, or which will otherwise be incompatible with the City wastewater system;

- (3) Ensure the quality of the treatment plant sludge allows its beneficial use;
- (4) Protect City personnel who may come into contact with sewage, sludge, and treated wastewater effluent during their employment, and to protect the general public;
- (5) Preserve the hydraulic capacity of the City wastewater system;
- (6) Improve the opportunity to recycle and reclaim wastewater and sludge from the City wastewater system;
- (7) Ensure the City complies with discharge permits and any other federal or state laws to which the City wastewater system is subject;
- (8) Provide for the regulation of direct and indirect discharge into the City wastewater collection system, through the issuance of permits to certain nondomestic users and through enforcement of general requirements for other users;
- (9) Authorize monitoring and enforcement activities, establish administrative review procedures, require user reporting, and provide for the setting of fees for the equitable distribution of costs resulting from the regulatory program established.

The chapter applies to all persons within the City and to persons outside the City who, by contract with the City or otherwise, are included as direct or indirect users of the City's wastewater system.

The Oregon Department of Environmental Quality (DEQ) requires the City to take this action and has approved these amendments, as described in Attachments 1 and 2. These amendments are considered a minor change to the pretreatment program.

## **FACTS AND FINDINGS:**

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

1. It is recommended that the City revise the definition of "control authority" to clarify that the control authority is the City since the City's pretreatment program is approved.
2. The City is required to add the definition of best management practices, as defined at 40 CFR 403.3(e) to the SUO.
3. The City is required to revise the specific prohibition of wastewater that may cause corrosive structural damage to the SUO to specifically prohibit discharges with pH less than 5.0.
4. The City is required to revise its specific prohibition of hazardous waste to more clearly define the type of waste being prohibited.

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.
8. First reading of Ordinance Bill No. 2-21 was held March 22, 2021.

Additionally, 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. (See Attachment 3.)

**BMP 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:**

As a component of the National Pollutant Discharge Elimination System (NPDES) Program, the National Pretreatment Program was developed by the federal Environmental Protection Agency (EPA) to control the discharge of pollutants from publicly owned treatment works, such as the Willow Lake Water Pollution Control Facility. The statutory authority for the National Pretreatment Program lies in the Federal Water Pollution Control Act of 1972, which was amended by Congress in 1977, and renamed the Clean Water Act. EPA developed pretreatment standards that prevent the discharge of pollutants that pass through, interfere with, or are otherwise incompatible with publicly owned treatment works. The 1977 amendments to the Clean Water Act required that operators of publicly owned treatment works ensure compliance with the pretreatment standards by each significant local source of pollutants subject to pretreatment standards. To meet the requirements of the 1977 amendments, EPA developed the General Pretreatment Regulations for Existing and New Sources of Pollution [Code of Federal Regulation 40 CFR 403].

Sewer Use Ordinances are developed by operators of publicly owned treatment works to enforce specific and general prohibitions, as well as any State or local regulations. The prohibitions and categorical standards are designed to provide a minimum acceptable level of control over industrial user discharges.

Mark Becketl, AICP  
Operation Division Manager

**Attachments:**

1. Ordinance Bill No. 2-21
2. Exhibit A, SRC Chapter 74 Proposed Revisions
3. Exhibit B, Administrative Rule Proposed Revisions