

DALLAS CITY COUNCIL

AGENDA

Mayor Jim Fairchild Presiding

Monday, May 5, 2008, 7:30 PM

Dallas City Hall*
187 SE Court Street
Dallas, OR 97338

All persons addressing the Council will please use the table at the front of the Council. All testimony is electronically recorded. Public participation is encouraged. If you desire to speak on any agenda item, please raise your hand to be recognized after the Mayor calls the item, or sign in on the provided card. If you wish to address the Council on any item not on the agenda, you may respond as the Mayor calls for questions and/or comments from the audience.

AGENDA

1. ROLL CALL

2. APPROVAL OF MINUTES

- 2.1. Approval of minutes of the April 21, 2008, Council meeting.
-

3. REPORTS OR COMMENTS FROM COUNCIL MEMBERS

- 3.1. Report of April 28, 2008 Building and Grounds Committee Meeting (Warren Lamb, Chair).
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- 3.2. Report of April 28, 2008 Public Works Committee Meeting (Jackie Lawson, Chair).
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- 3.3. Mayor Jim Fairchild's monthly report for April.
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- 3.4. Council President Ken Woods' monthly report for April.
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4. QUESTIONS AND/OR COMMENTS FROM THE AUDIENCE

5. REPORTS OF SPECIAL COMMITTEES AND CITY OFFICERS

- 5.1. City Manager's Reports

- a. Employee Length of Service award presentation
-

- b. National Police Week, May 15 (Proclamation)
-

c. Grace Baptist Church request to dig a well

d. Discussion Concerning the Fire and Senior Center Bond Measure Proposal

e. Update on ODOT traffic signal project at Main and Washington Streets

f. Department reports for March (Community Development, Fire and Ambulance, Library, Police and Public Works.)

g. Other

6. COMMUNICATIONS AND PETITIONS

6.1 Letters of support of the Community Activities Program

7. PUBLIC HEARINGS

8. RESOLUTIONS

9. FIRST READING OF ORDINANCE

10. SECOND READING OF ORDINANCE

11. OTHER BUSINESS

12. ADJOURNMENT

Following the Council meeting, there will be an Executive Session to consult with legal counsel to conduct deliberations with persons designated by the governing body to carry on labor negotiations as authorized in ORS 192.660(2)(d).

*Dallas City Hall is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to the City Manager's Office, 503-831-3502 or TDD 503-623-7355.

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The Dallas City Council met in regular session on Monday, April 21, 2008, at 7:30 p.m. in the Council Chambers of City Hall with Mayor Fairchild presiding.

ROLL CALL

Council members present were: Council President Ken Woods, Jr., Councilor Brian Dalton, Councilor Kevin Marshall, Councilor David Shein, and Councilor LaVonne Wilson. Members excused: Councilor Warren Lamb, Councilor Jackie Lawson, Councilor Wes Scroggin, and Councilor David Voves.

Also present were: City Manager Jerry Wyatt, City Attorney Lane Shetterly, Community Development Director Jason Locke, Finance Director Marcia Baragary, Fire Chief Bill Hahn, Library Director Donna Zehner, Police Chief Jim Harper, and Recording Secretary Emily Gagner.

APPROVAL OF MINUTES

Hearing no corrections, Mayor Fairchild declared the minutes of the April 7, 2008 Council meeting approved as presented.

REPORTS OR COMMENTS FROM COUNCIL MEMBERS

COUNCIL PRESIDENT’S MARCH REPORT

There were no questions regarding the Council President’s report.

Mayor Fairchild noted he went to a meeting by COG on ethics last Friday and there are a number of things that are being looked at. He added the Governor has put together a task force to discuss reforms.

QUESTIONS OR COMMENTS FROM THE AUDIENCE

Jim Brown stated that he takes the bike path from Ashley Street to the Aquatic Center and noted there is no signage or other indications where to cross the street at Levens Street. Also, going west from Walnut Avenue, bikes are not large enough to trigger the signal light, so riders need to dismount to push the walk button, which is difficult. City Manager Jerry Wyatt noted staff will look at improved signage with review within the TSP.

REPORTS OF SPECIAL COMMITTEES AND CITY OFFICERS

Mr. Wyatt announced Industrial Redevelopment Manager Kevin Watson has accepted a position as Assistant to the City Manager in Keizer. Mayor Fairchild thanked him for the work he’s done for the City.

UPDATE ON THE COMMUNITY CITIZEN SURVEY

Mr. Wyatt pointed out the survey summary results are in the packet and the Councilors also have received the full responses from participants. Mr. Wyatt introduced Kim from Northwest Survey and Data Services, who gave a PowerPoint presentation to review those results.

Councilor Kevin Marshall asked if the fact that they used land lines only skews the results. Kim responded that so far, studies have found no difference in how questions are answered land-line, cell-phone, or combination homes.

Councilor Dalton stated an extraordinarily high number of respondents said they want the downtown revitalized and asked if that was typical. Kim responded that it did seem high.

Mr. Wyatt noted there are more details in the study and the Council and staff will be going through that more thoroughly. Mayor Fairchild noted as we look through the information, we will get back with additional material to the public.

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MAY MEETING REMINDERS

Mr. Wyatt reviewed the dates of various Council meetings in May.

LEAGUE OF OREGON CITIES CONFERENCE (VOLUNTEERS)

Mr. Wyatt indicated this year's League of Oregon Cities conference is scheduled for October 2nd through the 4th at the Salem Convention Center. They are looking for volunteers, so anyone who would like to volunteer, please let City staff know.

REPORT ON THE APRIL 8, 2008, PLANNING COMMISSION MEETING

Mr. Wyatt noted there was one official agenda item, which was a zone change from Residential Agriculture to Residential Medium Density on a 15.7 acre portion of property in the Wyatt Mixed-Use Node. The Planning Commission recommended the City Council approve that zone change. The Planning Commission also discussed the Transportation System Plan, which will come before the Council at a later date.

EMPLOYEE / VOLUNTEER RECOGNITION PRESENTATION

Mr. Wyatt discussed the employee and volunteer recognition program. Mr. Wyatt added it was a difficult decision, as there were many well-qualified nominees.

Mayor Fairchild introduced Grace Scatterday, reviewing her history with the City, which includes volunteering over 12,000 hours. Mrs. Scatterday stated she has enjoyed every minute of it.

Mayor Fairchild then introduced Todd Brumfield, who is the EMS Director for the City of Dallas, reviewing his history with the City. Mr. Brumfield said he appreciates working for the City of Dallas and has always loved the community. He added it is a privilege to live and work in Dallas.

ALLIED WASTE SERVICE OF DALLAS RECYCLING PROGRAM PRESENTATION

Mr. Wyatt introduced Chuck Lerwick, Operations Manager, of Allied Waste Service of Dallas.

Mr. Lerwick stated he was talking to the Council to ask for a residential increase, noting the last residential rate increase was two years ago, when diesel prices were almost half what they are now. Mr. Lerwick added that with the rate increase, come new services. These services include yard waste and comingled recycling, each of which would be picked up every other week. Mr. Lerwick explained that these new services should increase recycling rates, and will allow many people to switch to the smaller garbage receptacles. Mr. Lerwick stated he would be bringing in his Performa for Mr. Wyatt's review by the end of April.

Councilor Dalton asked if glass would still need to be kept separate from the comingled recyclables. Mr. Lerwick confirmed he will ask the community to bring their glass down to the Depot for recycling at this time, although he stated they will eventually allow glass in the comingled bin.

Council President Ken Woods asked what the many homes whose access is by an alleyway do for curbside recycling; they currently have to have their trash cans in the front of their house. Council President Woods asked why they can't leave their cans in the alley. Mr. Lerwick noted that many alleys in town are too narrow for the garbage trucks, but that he can reevaluate them.

Councilor Dalton asked if the yard debris will be composted. Mr. Lerwick confirmed that it will be taken to Camp Adair for composting. Councilor Marshall asked if the City anticipates this will impact the leaf pickup program. Mr. Wyatt noted it would not make a substantial impact.

Councilor Lavonne Wilson asked how soon the program would start. Mr. Lerwick noted they

1 are planning quite a media blitz, including flyers, brochures, and mailers, adding the actual start
2 time will depend on the City's response. He noted the new trucks are about 30 days out.

3
4 **BILLS OF THE CITY FOR THE MONTH OF MARCH**

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6 There were no questions about the bills for the month of March.

7
8 **OTHER**

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10 Mr. Wyatt noted the City received a letter from the Dallas Area Chamber of Commerce that they
11 are moving to 119 SW Court Street on May 1. He also pointed out the Councilors had received a
12 draft copy of the City newsletter, noting it is different from the first newsletter in an attempt at
13 cost savings. Mr. Wyatt asked the Councilors to contact him if they have any questions.

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15 **COMMUNICATIONS AND PETITIONS**

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17 **SUMMERFEST LETTER FROM DALLAS AREA CHAMBER OF COMMERCE**

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19 Mr. Wyatt explained the Council received a letter from the Chamber of Commerce asking to
20 work with City staff for Summerfest activities, which is scheduled for July 24-27, 2008.
21 Councilor Shein moved to authorize the City Manager to work with the Chamber of Commerce
22 to coordinate Summerfest activities. The motion was duly seconded and CARRIED
23 UNANIMOUSLY with Council President Ken Woods, Jr., Councilor Brian Dalton, Councilor
24 Kevin Marshall, Councilor David Shein, and Councilor LaVonne Wilson voting YES.

25
26 **OLCC CHANGE OF OWNERSHIP APPLICATION**

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28 Mr. Wyatt noted the City received an OLCC Change of Ownership application for 7 Heavens
29 Food Store at 129 East Ellendale Avenue. Councilor Marshall moved to approve the OLCC
30 Change of Ownership application. The motion was duly seconded and CARRIED
31 UNANIMOUSLY with Council President Ken Woods, Jr., Councilor Brian Dalton, Councilor
32 Kevin Marshall, Councilor David Shein, and Councilor LaVonne Wilson voting YES.

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34 **LETTER FROM GOVERNOR KULONGOSKI TO STATEMENT OF ECONOMIC
35 INTEREST FILERS**

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37 Mr. Wyatt explained there was a letter from Governor Kulongoski to all SEI filers in the packet.

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39 **INVITATION TO OPEN HOUSE AT PROJECT ACHIEVE**

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41 Mr. Wyatt reviewed an invitation from Project Achieve for their open house on Friday. Mayor
42 Fairchild recommended the Councilors attend.

43
44 **PUBLIC HEARINGS**

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46 **RESOLUTIONS**

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48 **Resolution No. 3151**

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50 A Resolution establishing a schedule of rates for ambulance and emergency medical services and
51 repealing conflicting resolutions.

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53 A roll call vote was taken and the Mayor declared Resolution No. 3151 to have PASSED BY A
54 UNANIMOUS VOTE with Council President Ken Woods, Jr., Councilor Brian Dalton,
55 Councilor Kevin Marshall, Councilor David Shein, and Councilor LaVonne Wilson voting YES.

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57 **FIRST READING OF ORDINANCE**

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59 **SECOND READING OF ORDINANCE**

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1 **OTHER BUSINESS**

2 Mayor Fairchild explained there would be a Budget Committee and an Urban Renewal Budget
3 Committee meeting following the Council meeting.

4 There being no further business, the meeting adjourned at 8:42 p.m.

5 Read and approved this _____ day of _____ 2008.

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Mayor

9 ATTEST:

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City Manager

POST MEETING AGENDA

BUILDING AND GROUNDS COMMITTEE

Monday, April 28, 2008

4:00 p.m.

Warren Lamb, Chair
Jackie Lawson
Dave Voves
Wes Scroggin

1. Dallas High School Sign

2. Library Report

3. Charter Communications PEG Channel

4. Jasper Crossing Utility Plans

5. Community Development Report

- Proposed Aquatic Center rate revisions

Recommend the Council direct the City Attorney to draft a Resolution to adopt the proposed Aquatic Center rate revisions.

- Proposed Building Permit fee increases

Recommend the Council direct the City Attorney to draft a Resolution to adopt the proposed building permit fee increases.

6. Community Video

7. Other

8. Adjourn

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3 Members Present: Chair Warren Lamb, Councilor Jackie Lawson, Councilor Wes Scroggin, and
4 Councilor Dave Voves.

5 Also Present: Mayor Jim Fairchild, City Manager Jerry Wyatt, Assistant City Manager Kim
6 Marr, City Attorney Lane Shetterly, Community Development Director Jason Locke, Finance Di-
7 rector Marcia Baragary and Recording Secretary Emily Gagner.

8 Chair Warren Lamb called the meeting to order at 4:41 p.m.

9 **Dallas High School Sign:** Jerry Wyatt introduced Grant Boustead, the Athletic Director of Dal-
10 las High School. Mr. Boustead discussed the proposed sign the High School would like to place
11 at the Academy Building site on Main Street, near the Performing Arts Stage. Mr. Wyatt noted
12 the sign code is currently very restrictive, and the proposed sign is prohibited by DCC 9.912, stat-
13 ing this could go to the Council for a text amendment. Mr. Wyatt stated the Council could make
14 an exception that is specific to this site, or change the Code for everyone. Mr. Boustead explained
15 that the High School currently uses an old fashioned stationary letter board. It has four lines,
16 which limits the number of events that fit on the board. This draws irate phone calls when an
17 event isn't listed. Mr. Boustead explained that with an electronic board, they can provide more
18 information so everyone in the School District can get their information out there, adding that this
19 is where people get their information. Mr. Boustead noted that the board would not necessarily be
20 exclusive to the High School, but could be used by the City for Sounds of Summer information,
21 Summerfest information, etc. Mr. Boustead stated they would like to be able to provide the op-
22 portunity for businesses to advertise, noting they can do logo graphics on this proposed sign. Mr.
23 Boustead explained that this sign would be a spring-board to an overall project that would provide
24 the school with new scoreboards, which are currently in bad shape. Advertising dollars that are
25 generated by the new sign would be applied to new scoreboards.

26 Councilor Dave Voves asked if there was anything in the code that might apply to the proposed
27 advertising. City Attorney Lane Shetterly confirmed that this would be considered off-site adver-
28 tising. Mr. Boustead noted that the advertising would be exclusive to those businesses contribut-
29 ing to the sign, and the School District would have control over all content. Steve Davis of Dak-
30 tronics noted that the software has controls for brightness and filters for profanity that cannot be
31 overridden. Councilor Voves asked about the low height of the sign in the proposal, noting it
32 would not be visible if a car was parked in front of it. Mr. Boustead noted the height would de-
33 pend on the code, but they would prefer it up higher for vandalism prevention. Councilor Jackie
34 Lawson noted that this sign would be in the Urban Renewal District and asked if we could have
35 the High School work with the new consultants, Greenworks, to make sure the sign fits the new
36 theme. Councilor Lamb asked if there would be restrictions on the sign since it would be placed
37 on a State highway. Mr. Voves reviewed that there may be State highway issues, sign code is-
38 sues, and off-premises advertising issues. Mr. Wyatt stated staff would look into those concerns.

39 **Library Report:** Mr. Wyatt discussed the proposed reduction in hours at the Library due to
40 needed budget cuts, stating staff looked at other libraries in the area and each one is closed on
41 Sunday and Monday, so that is what we are proposing for our Library as well. He added the re-

1 maintaining reduction in hours will be accomplished by skimming off an hour here and there so there
2 are minor impacts. Councilor Lawson stated she was concerned about dropping the 8 p.m. clos-
3 ing time completely, given people's varied work schedules. She suggested dropping an hour on
4 Saturday to make it possible to stay open until 8:00 p.m. on one week night. Mr. Wyatt agreed
5 that staff could look at that.

6 **Charter Communications PEG Channel:** Mr. Wyatt provided an update on a review of the
7 Charter Communications Franchise Agreement, noting our most recent agreement expires in Sep-
8 tember, 2012. He noted that as far back as we've looked, we have not received from them an an-
9 nual subscription report or an annual revenue report, something we are entitled to in our franchise
10 agreement. This would provide us a means of auditing their franchise payments to us. Mr. Wyatt
11 explained that the franchise agreement also gives the City up to \$50,000 to upgrade our PEG
12 channel, which would provide the ability for public access. He added that Charter seems very ex-
13 cited about our requesting the money to upgrade our PEG channel.

14 **Jasper Crossing Utility Plan:** Mr. Wyatt explained that staff is working closely with Mitch Teal
15 on the Jasper Crossing development; noting our code currently requires new construction to place
16 their utilities underground. When the City had the utility lines put underground in the North Dal-
17 las Intersection, we stopped one lot short of the Jasper Crossing lot, and it would cost the devel-
18 opers about \$150,000 to extend the underground lines by that one lot. Councilor Lawson asked if
19 the City could offset SDCs to help with that cost. Mr. Wyatt noted the City already has provided
20 some relief on the SDCs, adding the City will continue to work with the developer.

21 **Community Development Director's Report:**

22 Proposed Aquatic Center rate revisions: Community Development Director Jason Locke stated
23 that he and staff did an objective analysis of the Aquatic Center and found it was not realizing its
24 potential as far as revenue with the rates that were originally set. He discussed the proposed fee
25 changes and explained that this will improve the fiscal health of the Aquatic Center, adding this
26 proposal is a simplification of rates. The proposal includes leaving the current day use fees, and
27 cutting out several types of coupons and passes. The proposal reduces the price of an annual pass
28 and includes a number of things with the annual pass, such as water aerobics and discounts on
29 classes and room rentals. Mr. Locke explained that these proposals, while increasing Aquatic
30 Center usage, will not increase personnel needed, as one lifeguard is needed for one to forty
31 people.

32 Councilor Warren Lamb asked if we could change the name from pass to membership to make it
33 seem more glamorous. Councilor Lawson stated some concern on the aerobics passes, asking if
34 there would be such an increase in aerobics participants that we would need to add instructors.
35 Mr. Locke explained that they can have one teacher for four participants or 12, adding that by at-
36 tracting more people to the center, concessions will increase, which will also help profits.

37 Mr. Wyatt noted staff will monitor all operational aspects very closely to see exactly where we
38 are over the next six months.

1 Councilor Voves made a motion to recommend the Council have the City Attorney draft a resolu-
2 tion to adopt the Aquatic Center rate revisions.

3 Proposed Building Permit fee increases: Mr. Locke explained that building activity in Dallas has
4 declined significantly. He explained that fees have not been increased since 2001. The proposal
5 would increase residential fees 15% and commercial and industrial fees 20%. Mr. Locke ex-
6 plained that the proposal provides for an automatic yearly increase in the fees on July 1 based on
7 the Portland CPI-W. Councilor Voves asked if this would bring us in line with comparable cities.
8 Mr. Locke explained that this puts Dallas right in the middle. Councilor Lawson stated she is
9 concerned that this 20% increase in fees is just another obstacle to revitalizing the downtown.
10 Mr. Locke noted he talked to the building inspector and building official about providing addi-
11 tional assistance to downtown owners so they are not expending funds to do things over. Council-
12 or Lawson asked why the commercial increase was more than the residential increase. Mr.
13 Locke explained that our inspectors spend more time on commercial inspections and plan reviews
14 than they do on residential, so this increase reflects that higher time spent. In addition, the inspec-
15 tors must deal with many designers and engineers on commercial projects, which they don't typi-
16 cally have on a residential project.

17 Councilor Scroggin moved to recommend the Council direct the City Attorney to draft a resolu-
18 tion to adopt the Building Permit fee increase. The motion was duly seconded and passed by a
19 majority with Councilor Lawson voting NO. Mr. Locke explained that we are required to notify
20 the building code department forty-five days before it is considered by the Council, so this will
21 not be placed before the Council until June.

22 **Community Video:** Mr. Wyatt explained that the City has the opportunity working through the
23 League of Oregon Cities to have a community video made for free. The company that provides
24 the service would come to Dallas to shoot up to five videos and then put those videos on their
25 website, which we would then link to.

26 There was no other business and the meeting was adjourned at 5:32 p.m.

RESOLUTION 3152

A Resolution establishing a schedule of rates and fees to be paid by persons using the Dallas Aquatic Center and repealing Resolution No. 2996.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1: The fees and rates charged for persons using the Dallas Aquatic Center are hereby adopted as set forth in Exhibit “A”, attached hereto and by reference incorporated herein.

Section 2: All other rates, fees, and prices not expressly set forth in Exhibit “A” may be set by the City Manager.

Section 3: Upon the effective date of this Resolution, Resolution No. 2996 is hereby repealed.

Section 4: This Resolution shall take effect on June 1, 2008.

Adopted: May 19, 2008

Approved: May 19, 2008

DRAFT

JAMES B. FAIRCHILD, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

EXHIBIT "A"

DALLAS AQUATIC CENTER RATES

1) **General Admission Day Use Pass**

	<u>Resident</u>	<u>Non-Resident</u>
Adult (18-59)	\$4.50	\$6.00
Youth (under 18)	\$3.00	\$4.00
Senior (60 & over)	\$3.50	\$5.00
Family*	\$10.00	\$15.00

2) **Youth summer only Pass (June-August)**

	<u>Resident</u>	<u>Non-Resident</u>
Youth (18 & under)	\$75.00	\$100.00

3) **3-month Water Aerobics Pass (unlimited use)**

	<u>Resident</u>	<u>Non-Resident</u>
All ages	\$75.00	\$100.00

4) **Annual Membership**

(Includes all lap swims, recreation swims, and unlimited water aerobics, as well as a 20 percent discount all classes and lessons, a ten percent discount on room and facility rentals and swimsuits, five free passes per year for friends and family, and discounts on special events)

	<u>Resident</u>	<u>Non-Resident</u>
Adult (18-59)	\$225.00	\$300.00
Youth (under 18)	\$175.00	\$240.00
Senior (60 & over)	\$175.00	\$240.00
Two-person	\$350.00	\$425.00
Family*	\$400.00	\$550.00

*"Family" means up to four persons related by blood or marriage who reside together in the same household. For annual passes, add \$60.00 for each additional family member.

5) **20 coupons (non-expiring)**

	<u>Resident</u>	<u>Non-Resident</u>
Adult (18-59)	\$81.00	\$108.00
Youth (under 18)	\$54.00	\$72.00
Senior (60 & over)	\$63.00	\$90.00

6) **Facility rental rates**

Small room \$30.00/hour

Large Room \$60.00/hour

Entire facility (includes both rooms, all pools, lifeguards, and one lead lifeguard for one hour)

<u>Number of Guests</u>	<u>Rate**</u>
1-40	\$200.00
41-80	\$250.00
81-120	\$300.00
121-160	\$350.00
161-200	\$400.00
201-240	\$450.00

**Add \$75.00 for each additional hour.

MEETING AGENDA

BUILDING AND GROUNDS COMMITTEE

Monday, April 28, 2008

4:00 p.m.

Warren Lamb, Chair
Jackie Lawson
Dave Voves
Wes Scroggin

1. Dallas High School Sign

2. Library Report

3. Charter Communications PEG Channel

4. Jasper Crossing Utility Plans

5. Community Development Report

- Proposed Aquatic Center rate revisions
 - Proposed Building Permit fee increases
-

6. Community Video

7. Other

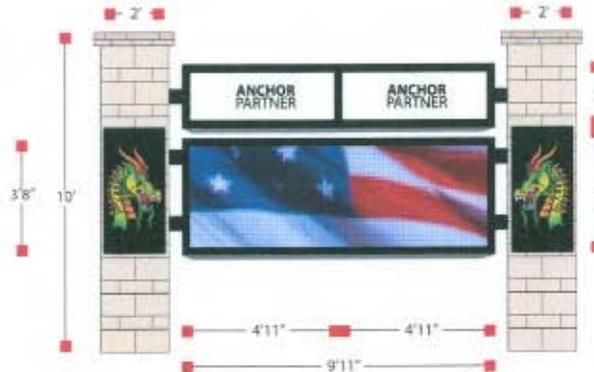
8. Adjourn



DALLAS HIGH SCHOOL | MARKETING CONCEPTUALS

OUTDOOR MARQUEE OPTION 3 | Les Schwab

- **Galaxy® Display | AF-3400-48x144-20-RGB-SF**
One (1) 3'8" h x 9'11" w full color display
- **Logo Panels | Non-backlit Aluminum**
Two (2) 4' h x 2' w routed aluminum panel
- **Ad Panel | Non-backlit Aluminum**
Two (2) 2' h x 4'11" w Anchor logo panel





DALLAS HIGH SCHOOL | MARKETING CONCEPTUALS

OUTDOOR MARQUEE



MEMORANDUM

To: Jerry Wyatt, City Manager
From: Donna Zehner, Library Director
Re: Library Hours
Date: April 21, 2008

As you and I have discussed, due to budget constraints, we are adjusting staffing and open hours at the Library. Also as discussed, we anticipate that the new open hours for the Library will be as follows:

Sunday	Closed
Monday	Closed
Tuesday	11-7pm
Wednesday	12-7pm (keep the 12 noon opening that we currently have, at least for now)
Thursday	11-7pm
Friday	11-5pm
Saturday	11-5pm

With these hours we still keep evening hours, and Saturdays. This schedule should accommodate all ages, stay at home moms, students, seniors, commuters, as well as allow us to have both children's and adult programs.

As a carefully and considered schedule, both patron-wise and staff-wise, as budgets improve, we will of course, look forward to once again adding hours to the Library.

DALLAS LIBRARY BOARD
CITY HALL
April 15, 2008

The Library Board met on Tuesday, April 15, 2008 at 4:02 pm in the City Hall Conference Room. Board members present were Grace Scatterday, Darla Newton, Marge Hilts, Marianne Moore and Gwen VanDenBosch. In addition to the Board, City Manager Jerry Wyatt, Mayor Jim Fairchild and Library Director Donna Zehner were present.

The minutes from the January meeting were reviewed and approved by the Board.

The Library Director provided the Board with a report on the current status of the Library. First order of business was the announcement that Grace Scatterday had won the Volunteer Recognition Award. This is a new award, one that City Manager announced a few months ago. It will be presented on a quarterly basis. City Employee Todd Brumfield received the award as City Employee. Both will be recognized at the April 21st City Council Meeting.

The Master Gardeners have given the Library a \$400 donation for purchase of materials related to gardens/gardening, related topics. The money will be split between children's & adult materials.

It is frequently said that the Library is a busy place. When looking at the "Patron Count", done 2 to 3 times per year, then used for our State Library Report, we discover just how active things can be at the Library. The count this year shows us that the average number of patrons per hour that visit the Library is 43, and that the average number of circulations per hour is 60+ items. As a reminder, what checks out, must also be checked in.

During Spring Break the Library once again held a variety of programs for children of all ages. Each program was well received by the children and their parents. As always, attendance at these programs was high.

Special events geared towards our senior patrons were held during February and March. These programs were made possible through an LSTA (Library Services & Technology Act) grant from the State Library. The grant was written for the CCRLS libraries by Robin Puccetti from the Independence Library. A dozen libraries are participating, choosing 3-4 programs for their libraries, that focus on areas of interest to seniors, although everyone is certainly welcome to attend. The programs held at Dallas have included, **1) Basic Genealogy**, **2) Writing your family history**, **3) Hidden Amazon.com** (searching the Internet for books/reading sites). The final program will be coming on May 19th, **Safety for Seniors** (ID theft, scams, etc.).

The Gates computers have received their upgrade, along with a replacement Internet Filter. The upgrade had been delayed until a replacement for WeBlocker (the old Internet Filter) was available.

E-Commerce has arrived, and patrons are slowly making use of this option for paying fines and other charges. CCRLS will be sending out checks on a quarterly basis. However, in the first 6 weeks, Dallas collected over \$53.00, with only \$2.79 in charges, making this a good option for patrons. In addition to fines, we hope to begin allowing patrons to pay the yearly Non-Resident fee, using this method.

The Self Check system for patrons is just about ready. Innovative still has a couple of software issues to complete, at which time we should be good to go. This feature will allow patrons to check out their own materials, pay fines & fees, all on their own. For those patrons not picking up holds, this has the potential for a quick checkout. At this point, we anticipate 1-2 months before set up in the libraries.

Friends activities at the Library have included the annual Hobby Day & Open House, held on Saturday, March 8th. Just over 300 people attended this fun, exciting and interesting event. The Friends were very pleased with the turnout, and plan on combining these events again in the future.

The final Chautauqua program for this season will be held on Saturday, May 3rd at 10:30am. Jeni K. Foster will be presenting *Magic Carpet Made of Steel: Songs of America's Railroads*.

The Friends received \$2000 from the Anthony & Pearl Proul memorial funds of the Dallas Community Foundation. Large print and books on CD will be purchased with these funds. At the same time, the Trust Management Grant will be closing out in May. The \$10,000 grant was used to purchase new children's resource computers, software, and literacy materials in a variety of formats for all ages.

The Friends also purchased a Disc Cleaner/repair machine. This piece of equipment will resurface CDs and DVDs, thereby extending the life/use of these materials.

Under other business, the Library Director explained that in the near future, due to budget constraints, there will be changes at the Library. While decisions were still being finalized, she wanted the Board to have a heads up, as these changes will be in effect by the next Board meeting.

There being no further business, the next meeting date was set for July 15th, 2008.

The meeting was adjourned at 4:42 pm.



21.01





Community Development Department

Memo

To: Buildings and Grounds Subcommittee
From: Jason Locke, Community Development Director
Date: 4/23/2008
Re: Proposed Aquatic Center rate revisions

The Department is currently undertaking a thorough review of every aspect of the Dallas Aquatic Center (DAC) in order to decrease costs and increase efficiency and revenue. The DAC is currently being subsidized with approximately \$500,000 in General Fund monies, which is an unacceptable situation.

One of the primary focuses of this review has been the room/pool rental and pass rates currently being charged at the DAC. In the recently adopted City Council Goals, increasing annual pass holders by 50% is a top priority. The latest data shows that there are only 172 annual passholders, which is extremely low by any standard for a community-owned facility of this quality.

The main barrier to increasing annual pass membership is simple: price. The current pricing structure is outdated and unnecessarily complicated, and was set when the pool opened 8 years ago. The methodology used to set the existing rates is also outdated, based on a cost-of-use model relying on the cost of a day-use pass. In order to make the pool accessible to many more area residents and address the revenue situation, we are proposing to lower annual pass rates significantly and simplify the number and types of passes. Another thing we are proposing is to include existing programs as part of the annual pass (ie; water aerobics classes) and provide discounts on swimming lessons, room and pool rental rates, swimsuits, and discounts on special events. We believe that with the proper marketing, product placement, and new rates, we can increase annual membership significantly. Also, we are proposing to modestly increase the facility rental rates to reflect increased costs of personnel, materials, and equipment.

I have attached the existing and proposed rates, and applicable resolution, for your review.

Thank you.

New in May 2008

Per Day Use

	In City	Non City
Adult	\$ 4.50	\$ 6.00
Senior	\$ 3.50	\$ 5.00
Youth (under 18)	\$ 3.00	\$ 4.00
Family(4)	\$ 10.00	\$ 15.00

#20 coupons-non expiring

	In City	Non City
Adult	\$ 81.00	\$ 108.00
Senior	\$ 63.00	\$ 90.00
Youth (under 18)	\$ 54.00	\$ 72.00

Youth Summer only

(3 mo. Unlimited use-June-Sept.)

Youth (under 18)	\$ 75.00	\$ 100.00
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3 month Water Aerobics Pass

(unlimited use)

Adult	\$ 75.00	\$ 100.00
Senior	\$ 75.00	\$ 100.00
Youth (under 180)	\$ 75.00	\$ 100.00

Annual Pass **

	In City	Non City
Adult	\$ 225.00	\$ 300.00
Senior	\$ 175.00	\$ 240.00
Youth (under 18)	\$ 175.00	\$ 240.00
Two Person	\$ 350.00	\$ 425.00
Family *	\$ 400.00	\$ 550.00

* Family rate is for the first 4 persons in the household.

Add \$60 for each additional family member.

** Annual Pass Includes:

All Lap Swim, Recreation, & Water Aerobics (unlimited)

20% off classes

10% off Facility and Room Rentals

10% off swimsuits

5 free passes a year for friends and family

Discounts on special events

Facility Rental Rates

Room Rental

small	\$30 per hr.
large	\$60 per hr.

Birthday Party Package #1

Room only w/ clean up **\$30 per 45 min.**

Birthday Party Package #2

Party room for 45 min. **\$15 per child**

Table cover, cups, plates, napkins, utensils

party bag, ice cream, drink, room clean up,

admission to the pool/ 2 adults swim free.

Minimum number to book: 8.

Birthday Party Package #3

Same as #2, with hot dogs and chips

or pizza slices for each paid guest.

Minimum number to book: 8 **\$18 per child**

Facility Rental

Includes party rooms (2), all pools, 5 lifeguards, and

one lead guard. Add \$50 per hour for each

additional 40 swimmers or if extra staff requested.

Guests	Rate
0-40	\$ 200.00
41-80	\$ 250.00
81-120	\$ 300.00
121-160	\$ 350.00
161-200	\$ 400.00
201-240	\$ 450.00
241-280	\$ 500.00

DAC Rates April 2008

<u>Day Use</u>	<u>In City</u>	<u>Non City</u>
Adult	\$ 4.50	\$ 6.00
Senior	\$ 3.50	\$ 5.00
Youth	\$ 3.00	\$ 4.00
Family(4)	\$ 10.00	\$ 15.00
Couple	na	na

#20 coupons

	<u>In City</u>	<u>Non City</u>
1 month		
Adult	\$ 58.50	\$ 78.00
Senior	\$ 45.50	\$ 65.00
Youth	\$ 39.00	\$ 52.00
couple	na	na

3 month

Adult	\$ 72.00	\$ 96.00
Senior	\$ 56.00	\$ 80.00
Youth	\$ 48.00	\$ 64.00
couple	na	na

non expire

Adult	\$ 81.00	\$ 108.00
Senior	\$ 63.00	\$ 90.00
Youth	\$ 54.00	\$ 72.00
couple	na	na

6 week Water Aerobic pass

1 x week	<u>In City</u>	<u>Non City</u>
Adult	\$ 24.00	\$ 32.00
Senior	\$ 24.00	\$ 32.00
Youth	\$ 24.00	\$ 32.00
couple	na	na

2 x week

Adult	\$ 43.00	\$ 58.00
Senior	\$ 43.00	\$ 58.00
Youth	\$ 43.00	\$ 58.00
couple	na	na

3 x week

Adult	\$ 53.00	\$ 70.00
Senior	\$ 53.00	\$ 70.00
Youth	\$ 53.00	\$ 70.00
couple	na	na

Annual Passes

6 mo. Water aerobic pass

	<u>In City</u>	<u>Non City</u>
Adult	\$ 217.50	\$ 285.00
Senior	na	na
Youth	na	na
Family(4)	na	na
Couple	na	na

Water Aerobics only

Adult	\$ 405.00	\$ 540.00
Senior	na	na
Youth	na	na
Family(4)	na	na
Couple	na	na

Lap/Rec Pass

Adult	\$ 337.50	\$ 450.00
Senior	\$ 262.50	\$ 375.00
Youth	\$ 225.00	\$ 300.00
Family(all)	\$ 600.00	\$ 800.00
Couple	na	na

Youth Summer only (3 mo.)

Youth	\$ 75.00	\$ 100.00
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DAC 2008 Facility and Room rates

rates based on per hour

Small Party Room \$25
 Large Party Room \$50

Birthday Party #1 \$25

room only

Birthday Party #2 \$12 per child

with utincils, plates, napkins

cups, table cover,

ice cream, drink

includes swim-min. #8

Birthday Party #3 \$15 per child

same as #2 with hot dog and chips

or Pizza

Facility

includes party rooms (2), all pools,

5 lifeguards, 1 lead staff

add \$30 per hr for each additional #40 swimmers

add \$30 per hr if extra staff requested

Swimmers # per 1 hr.	IN City	Non City
0-40	\$ 150.00	\$ 105.00
41-80	\$ 180.00	\$ 135.00
81-120	\$ 220.00	\$ 175.00
121-160	\$ 260.00	\$ 215.00
161-200	\$ 300.00	\$ 255.00
201-240	\$ 340.00	\$ 295.00
241-280	\$ 380.00	\$ 335.00

RESOLUTION NO. 2996

A Resolution establishing a schedule of fees to be paid by persons using the Dallas Aquatic Center and repealing Resolutions Nos. 2961 and 2963.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1: The following fees shall be charged for persons using the Dallas Aquatic Center:

(A) General Admission: This charge includes all equipment usage.

	<u>Regular</u>	<u>City Resident</u>
Adult (18 - 59)	\$6.00	\$4.50
Youth (under 18)	\$4.00	\$3.00
Senior (60 & over)	\$5.00	\$3.50

Evidence of city residency must be provided for the city resident change to apply.

General admission is based on a per-session entry. A session is a designated block of swim time, as set by the City Manager.

(B) Annual Pass/Yearly Membership

A 50% discount off the single admission rate based on using the facility at least three times per week

	<u>Regular</u>	<u>City Resident</u>
Adult (18 - 59)	\$450.00	\$337.50
Youth (under 18)	\$300.00	\$225.00
Senior (60 & over)	\$375.00	\$262.50
Family	\$800.00	\$600.00

Expires one year from the date purchased.

Family equals 1 or 2 parents and their children and/or step-children if such child(ren) and/or step-child(ren) are claimed as dependents on the parent(s) most recent tax returns, and if they all reside in the same home, and/or such other documentation as the City Manager finds acceptable.

- (C) Three-Month Coupon Book - 20 visits per coupon book.

A 20% discount off the single admission rate

	<u>Regular</u>	<u>City Resident</u>
Adult (18 - 59)	\$96.00	\$72.00
Youth (under 18)	\$64.00	\$48.00
Senior (60 & over)	\$80.00	\$56.00

Expires three months from the date purchased.

- (D) One Month Coupon Book - 20 visits per coupon book.

A 35% discount off the single admission rate

	<u>Regular</u>	<u>City Resident</u>
Adult (18 - 59)	\$78.00	\$58.50
Youth (under 18)	\$52.00	\$39.00
Senior (60 & over)	\$65.00	\$45.50

Expires one month from the date purchased.

- (E) Gift Certificates:

Sold at full value. No discounts apply. Purchaser determines dollar amount of certificate.

- (F) Swim Lessons:

Fees vary and are to be set by the City Manager.

- (G) Program Classes:

Fees vary and are to be set by the City Manager.

- (H) Rental Rates:

This rate is for 40 patrons or less and includes three lifeguards. An additional charge of \$30.00 per hour is added for each additional 40 patrons to cover the increased number of staff required. State Health Code ratio is one lifeguard for every 40 swimmers.

Rental Rate:	\$150.00 per hour up to 40 people
Non-Profit:	\$105.00 per hour up to 40 people
Multi-Purpose Room:	\$20.00 per room/per hour
	\$40.00 both rooms/per hour

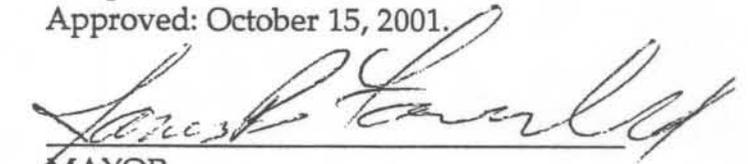
Party rentals will be the rental cost of the room, general admission per party guest to the pool, and charges for amenities.

Section 2: Upon the effective date of this Resolution, Resolution No. 2961, adopted and approved October 16, 2000, and Resolution No. 2963, adopted and approved December 18, 2000 are repealed.

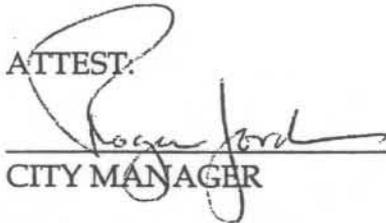
Section 3: This Resolution shall take effect on January 1, 2002.

Adopted: October 15, 2001.

Approved: October 15, 2001.


MAYOR

ATTEST:


CITY MANAGER

H:\Dallas\ResolutionAquaticFees101101



Community Development Department

Memo

To: Buildings and Grounds Subcommittee
From: Jason Locke, Community Development Director 
Date: 4/23/2008
Re: Proposed Building Permit fee increases

The Community Development Department Building Inspections Division is proposing to increase all building permit and plan check fees. These fees have not been increased since 2001. The division provides an excellent level of service, and the increase is necessary due to increasing costs.

We are proposing to raise the residential permit fees by 15% across the board, and commercial/industrial permits by 20%. The impact of the increase on residential permits would be \$246 for the average residence, and \$1058 for a typical commercial permit.

Also, the structure of the proposed resolutions would provide for an automatic yearly increase based on the Portland CPI-W without any further action .

Please find attached the existing fee/proposed fee comparison as well as the four proposed new resolutions that include the Residential Specialty Code, the Structural Specialty Code, the Mechanical Specialty Code, and the Plumbing Specialty Code.

Thank you.

Existing fees and proposed increase

1418 sq. ft. SFR Permit # 12461 Issued 4/15

Valuation \$ 158,269.29

Building Permit	\$754.65
Plan Review	\$490.52
Plumbing Permit	\$309.00
Mechanical Permit	<u>\$ 76.35</u>
	\$1630.52

New Fee

Building Permit	\$861.78
Plan Review	\$560.16
Plumbing Permit	\$355.35
Mechanical Permit	<u>\$ 99.25</u>
	\$1876.54

Difference \$246.02

Commercial Retail Shell Only

Valuation \$1,250,000.00

Building Permit	\$4300.40
Plan Review	<u>\$2795.26</u>
	\$7095.66

New Fee

Building Permit	\$4942.12
Plan Review	<u>\$3212.38</u>
	\$8154.50

Difference \$1058.84

RESOLUTION NO. _____

A Resolution establishing permit fees for the Oregon Residential Specialty Code and repealing prior conflicting Resolutions.

Section 1. The following are hereby adopted as the permit fees for the Residential Code under DCC 8.270:

<u>Valuation</u>	<u>Permit Fee</u>
\$1.00 to \$4000	\$60.00
\$4,001 to \$25,000	\$60.00 for the first \$4000 plus \$8.97 for each additional \$1,000 or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$248.37 for the first \$25,000 plus \$6.73 for each additional \$1,000 or fraction thereof, to and including \$50,000 or fraction thereof
\$50,001 to \$100,000	\$416.62 for the first \$50,000 plus \$4.49 for each additional \$1,000 or fraction thereof, to and including \$50,000 or fraction thereof
\$100,001 and up	\$641.12 for the first \$100,000 plus \$3.74 for each additional \$1,000 or fraction thereof

Other Inspections and Fees:

1. Inspections outside of normal business hours..... \$60.00 per hour
2. Re-inspection fees \$60.00 each
3. Inspections for which no fee is specifically indicated \$60.00 per hour
4. Additional plan review required by changes,
Additions or revisions to approved plans..... \$60.00 per hour

Section 2. The above fees shall automatically be adjusted by the percentage of change prescribed in the Portland (CPI-W) second half report, published in February each fiscal year (July , 1st) for the next five consecutive years.

Section 3. This resolution shall take effect on May XX, 2008 and upon its effective date, all conflicting prior Resolutions are repealed.

Adopted April XX, 2008
Approved April XX, 2008

RESOLUTION NO. _____

A Resolution establishing permit fees for the Oregon Structural Specialty Code and repealing prior conflicting Resolutions.

Section 1. The following are hereby adopted as the permit fees for the Building Code under DCC 8.270:

<u>Valuation</u>	<u>Permit Fee</u>
\$1.00 to \$4000	\$60.00
\$4,001 to \$25,000	\$60.00 for the first \$4000 plus \$8.97 for each additional \$1,000 or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$248.37 for the first \$25,000 plus \$6.73 for each additional \$1,000 or fraction thereof, to and including \$50,000 or fraction thereof
\$50,001 to \$100,000	\$416.62 for the first \$50,000 plus \$4.49 for each additional \$1,000 or fraction thereof, to and including \$50,000 or fraction thereof
\$100,001 and up	\$641.12 for the first \$100,000 plus \$3.74 for each additional \$1,000 or fraction thereof

Other Inspections and Fees:

1. Inspections outside of normal business hours..... \$60.00 per hour
2. Re-inspection fees assessed under provision of \$60.00 each
3. Inspections for which no fee is specifically indicated..... \$60.00 per hour
4. Additional plan review required by changes, Additions or revisions to approved plans..... \$60.00 per hour

Section 2. The above fees shall automatically be adjusted by the percentage of change prescribed in the Portland (CPI-W) second half report published in February each fiscal year (July ,1st) for the next five consecutive years.

Section 3. This resolution shall take effect on May XX, 2008 and upon its effective date, all conflicting prior Resolutions are repealed.

Adopted April XX, 2008
Approved April XX, 2008

RESOLUTION NO. _____

A Resolution establishing permit fees for the Oregon Mechanical Specialty Code and repealing prior conflicting Resolutions.

Section 1. The following are hereby adopted as the permit fees for the Mechanical Code under DCC 8.270:

1. Residential Permit	a. Issuance of permit	\$ 40.00														
2. Residential Furnace or AC	a. Up to 100K BTU/hr	9.00														
	b. Over 100K BTU/hr	11.25														
3. Residential Heaters/stoves/vents	a. Unit heater	9.00														
	b. Wood/pellet /gas /flue	6.75														
	c. Repair or alteration add addition to heating./cooling.	9.00														
	d. Evaporated cooler	6.75														
	e. Vent fan with one duct	4.50														
	f. Dryer/Hood with exhaust and duct	6.75														
	g. Floor furnaces including vent	9.00														
	h. Appliance vent	4.50														
4. Residential Gas Piping	a. 1-4 outlets	3.00														
	b. Additional outlets	1.00														
5. Commercial Fees	<table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left;">Valuation</th> <th style="text-align: left;">Permit Fee</th> </tr> </thead> <tbody> <tr> <td>\$1.00 to \$4000</td> <td>\$60.00</td> </tr> <tr> <td>\$4,001 to \$25,000</td> <td>\$60.00 for the first \$4000 plus \$8.97 for each additional \$1,000 or fraction thereof, to and including \$25,000</td> </tr> <tr> <td>\$25,001 to \$50,000</td> <td>\$248.37 for the first \$25,000 plus \$6.73 for each additional \$1,000 or fraction thereof, to and including \$50,000 or fraction thereof</td> </tr> <tr> <td>\$50,001 to \$100,000</td> <td>\$416.62 for the first \$50,000 plus \$4.49 for each additional \$1,000 or fraction thereof, to and including \$50,000 or fraction thereof</td> </tr> <tr> <td>\$100,001 and up</td> <td>\$641.12 for the first \$100,000 plus \$3.74 for each additional \$1,000 or fraction thereof</td> </tr> </tbody> </table>	Valuation	Permit Fee	\$1.00 to \$4000	\$60.00	\$4,001 to \$25,000	\$60.00 for the first \$4000 plus \$8.97 for each additional \$1,000 or fraction thereof, to and including \$25,000	\$25,001 to \$50,000	\$248.37 for the first \$25,000 plus \$6.73 for each additional \$1,000 or fraction thereof, to and including \$50,000 or fraction thereof	\$50,001 to \$100,000	\$416.62 for the first \$50,000 plus \$4.49 for each additional \$1,000 or fraction thereof, to and including \$50,000 or fraction thereof	\$100,001 and up	\$641.12 for the first \$100,000 plus \$3.74 for each additional \$1,000 or fraction thereof			
Valuation	Permit Fee															
\$1.00 to \$4000	\$60.00															
\$4,001 to \$25,000	\$60.00 for the first \$4000 plus \$8.97 for each additional \$1,000 or fraction thereof, to and including \$25,000															
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\$100,001 and up	\$641.12 for the first \$100,000 plus \$3.74 for each additional \$1,000 or fraction thereof															
7. Miscellaneous Fees	a. Inspections outside of normal business hours (min. 2 hour)	60.00														

5. Miscellaneous fees	a. Indirect wastes	\$54.00
	b. Re-inspection	\$60.00
	c. Specially requested inspections (per hour)	\$60.00
	d. Special equipment or DWV alteration	\$46.00
	c. Inspection fees which no fee is specifically indicated (Per hour)	\$60.00
6. Medical gas inspection fees	a. Inspection for medical gas system (base fee)	\$228.00
	b. Additional cost per inlet or outlet	\$1.20
7. Total fees of fees collected	a. Enter total of above fees (min. permit fee \$48.00)	

Section 2 The above fees shall automatically be adjusted by the percentage of change prescribed in the Portland (CPI-W) second half report published in February each fiscal year (July ,1st) for the next five consecutive years.

Section 3. This resolution shall take effect on May XX, 2008 and upon its effective date, all conflicting prior Resolutions are repealed.

Adopted April XX, 2008
Approved April XX, 2008

MAYOR

ATTEST:

CITY MANAGER

RESOLUTION NO. _____

A Resolution establishing permit fees for the Oregon Plumbing Specialty Code and repealing prior conflicting Resolutions.

Section 1. The following are hereby adopted as the permit fees for the Plumbing Code under DCC 8.270:

1. One- & two-family dwellings	a. Per each bathroom (new construction)	\$69.00
	b. Per each ½ bathroom (new construction)	\$34.50
	c. Water service	\$32.20
	d. Sanitary or storm sewer service	\$32.20
	e. Minor installation (per fixture)	\$17.25
	f. Special equipment or DWV alteration	\$46.00
2. Manufactured dwellings and prefabricated structures (circle one)	a. Connection to existing drain, sewer and water (initial installation)	\$46.00
	b. New sanitary and storm sewer	\$32.20
	c. New water service	\$32.20
3. RV and manufactured dwellings parks	a. Base fee (includes 5 or fewer spaces)	\$218.50
	b. 6 to 9 spaces (base fee plus cost per space)	\$37.95
	c. 20 or more spaces (base fee plus cost per space)	\$26.45
	d. Structures and storm sewer systems (per fixtures)	\$17.25.
4. Commercial, industrial and dwellings other than one- or two-family	a. 3 or fewer fixtures	\$60.00
	b. Base fee (includes 4 to 10 fixtures)	\$147.60
	c. 11 or more fixtures (base fee plus cost per fixture)	\$18.00
	d. Water service (first 100')	\$48.00
	e. Building sanitary sewer (first 100')	\$48.00
	f. Building storm sewer (first 100')	\$48.00
	g. Additional 100' or part thereof (water or sewer)	\$26.40

5. Miscellaneous fees	a. Indirect wastes	\$54.00
	b. Re-inspection	\$60.00
	c. Specially requested inspections (per hour)	\$60.00
	d. Special equipment or DWV alteration	\$46.00
	e. Inspection fees which no fee is specifically indicated (Per hour)	\$60.00
6. Medical gas inspection fees	a. Inspection for medical gas system (base fee)	\$228.00
	b. Additional cost per inlet or outlet	\$1.20
7. Total fees of fees collected	a. Enter total of above fees (min. permit fee \$48.00)	

Section 2. The above fees shall automatically be adjusted by the percentage of change prescribed in the Portland (CPI-W) second half report published in February each fiscal year (July ,1st) for the next five consecutive years.

Section 3. This resolution shall take effect on May XX, 2008 and upon its effective date, all conflicting prior Resolutions are repealed.

Adopted April XX, 2008
Approved April XX, 2008

MAYOR

ATTEST:

CITY MANAGER

POST MEETING AGENDA

PUBLIC WORKS COMMITTEE

Monday, April 28, 2008

4:00 p.m.

Jackie Lawson, Chair
Warren Lamb
David Voves
Wes Scroggin

1. Update on Park and Recreation projects.
 - April 22, 2008 Park and Recreation Board meeting

2. Update on water projects
 - Treated Water Tank project
 - AMR bid update

3. Update on transportation projects.
 - Levens Street Bridge pavement smoothness report

4. Operational report from Public Works Director (including Parks).
 - December 2007 disaster recovery status report
 - SDC status report
 - Proposed changes to Dallas City Code Chapter 4

[Recommend the Council direct the City Attorney to draft an Ordinance to amend Chapter 4 of the Dallas City Code](#)

5. Other.

6. Adjourn.

Members Present: Chair Jackie Lawson, Warren Lamb, Wes Scroggin, and Dave Voves.

Also Present: Mayor Jim Fairchild, City Manager Jerry Wyatt, Assistant City Manager Kim Marr, City Attorney Lane Shetterly, Public Works Director Fred Braun, Assistant Public Works Director Christy Ellis, Assistant Public Works Director Kenn Carter, Finance Director Marcia Baragary, and Recording Secretary Emily Gagner.

Councilor Wes Scroggin called the meeting to order at 4:01 p.m.

Update on Park and Recreation Projects

April 22, 2008 Park & Recreation Board Meeting: Assistant Public Works Director Christy Ellis reviewed the agenda from the April 22, 2008 Park and Recreation Board meeting.

Update on Water Projects

Treated Water Tank Project: Assistant Public Works Director Kenn Carter stated the new tank is half to two-thirds erected. Two-thirds of the piping is completed on Main Street and the road construction is about 10% completed. Mr. Carter noted everything is currently on track for completion in September.

AMR Bid Update: Public Works Director Fred Braun explained the process staff had completed to do a pilot project on an automatic meter reading (AMR) system. Two of the respondents, Datamatic and HD Waterworks Supply, had the correct system in their proposal, so staff evaluated those two bids. Based solely on the pilot project proposal, Datamatic was the low bid. However, when staff looked at year two and beyond with this project, HD Waterworks Supply was significantly lower. Staff is recommending pursuing a final contract to purchase the AMR system from HD Waterworks Supply due to the completeness of their bid package and the ultimate cost to the City down the road. Datamatic's bid included an annual maintenance cost and a higher cost per meter. In response to a question, Mr. Braun stated we would like to have the project completed within ten years. Councilor Voves asked how this would increase efficiencies. Mr. Braun explained that currently, we have to have a man walk along the street, lift the lid at each meter, record the information into the handheld and download that information at City Hall. The new system would transmit that information directly to City Hall. Further, a meter can be turned off and on from City Hall rather than have someone physically go out there, as we do now. In response to a question, Mr. Braun explained that we currently have one full-time equivalent employee just for reading meters, adding that as the City expands, we will either have to hire another meter reader, or go to a more efficient system like the AMR. Councilor Lamb asked how many man hours would be required to maintain the system and maintenance program. Mr. Wyatt explained that no additional staffing would be needed. Councilor Lawson asked if the City could eliminate an employee by going to this system. Mr. Braun explained that we will be converting our meters in phases over ten years, so we will still need the man power now. Once the new system is completely in place, we can reevaluate the man hour needs. In response to a question, Mr. Braun explained that there is a great deal of competition on the market right now for this product, so the costs are lower than they will be in a few years.

1 Councilor Lamb asked if we could hire part-time, non-benefitted employees to read meters. Mr.
2 Braun explained it is difficult to retain part time employees. Councilor Voves noted that this
3 system costs \$52,000 for the first year and we could hire someone for \$52,000 per year. Mr.
4 Braun pointed out that the cost of an additional employee would continue past ten years, where
5 the costs for the system are done after ten years. In response to a question, Mr. Braun stated
6 these systems are widely used.

7 **Update on Transportation Projects**

8 Levens Street Bridge pavement smoothness report: Mr. Braun noted that since opening the
9 bridge, there have been concerns about the roughness of the pavement. He noted Oregon has no
10 smoothness specifications and if Dallas adopted formal smoothness specifications, we would be
11 trail blazing. Mr. Braun reviewed the costs of a thin overlay for the bridge, but that comes with
12 no guarantee of appreciable change; it may quiet it a bit, which is part of the perception.

13 Mr. Braun explained that staff did measure the smoothness with a twelve-foot straight edge and
14 found several low areas. The contractor will come fill those at the contractor's expense, but it
15 won't improve the overall ride quality.

16 **Public Works Director's Operational Report:**

17 December 2007 disaster recovery status report: Mr. Braun noted there were a number of areas of
18 damaged infrastructure from the December 2007 storm. The City is well on the way to complet-
19 ing projects. In all, six of our projects have been formally approved by FEMA, two are pending,
20 and one was deemed a preexisting project, which is ineligible.

21 SDC status report: Mr. Braun reviewed his report on the status of Systems Development
22 Charges. Staff recommends a review and update of the Transportation SDC based upon projects
23 identified in the proposed TSP.

24 Proposed changes to Dallas City Code Chapter 4: Mr. Braun explained that Chapter Four of
25 Dallas City Code is the utility section, and the proposed changes involve the pretreatment pro-
26 gram. Our current program was developed ten or fifteen years ago, mainly because of Tyco.
27 One year ago, Tyco closed and the State audited our program. The State identified areas we
28 needed to update in our Code, and CH2M Hill made those changes. Mr. Braun noted that having
29 the Code updated now, even though we no longer have a large industrial user like Tyco, is that it
30 will allow a new industry to come to town quicker. Mr. Carter noted that our consultant has met
31 with the State and we do not anticipate the State will have any issues.

32 Councilor Scroggin moved to recommend the Council direct the City Attorney to draft an ordin-
33 ance to revise Chapter 4 of the Dallas City Code. The motion was duly seconded and passed un-
34 animously.

1 **Other**

2 Mr. Wyatt noted there is a short section of sidewalk missing on LaCreole Drive across from the Dallas
3 Aquatic Center. Staff is recommending the Council compel the property owner to put in the sidewalk per
4 Dallas City Code.

5 There was no other business and the meeting was adjourned at 4:39 p.m.

MEETING AGENDA

PUBLIC WORKS COMMITTEE

Monday, April 28, 2008

4:00 p.m.

Jackie Lawson, Chair

Warren Lamb

David Voves

Wes Scroggin

1. Update on Park and Recreation projects.
 - April 22, 2008 Park and Recreation Board meeting

2. Update on water projects
 - Treated Water Tank project
 - AMR bid update

3. Update on transportation projects.
 - Levens Street Bridge pavement smoothness report

4. Operational report from Public Works Director (including Parks).
 - December 2007 disaster recovery status report
 - SDC status report
 - Proposed changes to Dallas City Code Chapter 4

5. Other.

6. Adjourn.

.....

A G E N D A

DALLAS PARK & RECREATION BOARD
Tuesday, April 22, 2008
Chair Rich Slack, Presiding
Time: 7:00 PM

.....

Location – City Hall – Council Chambers

1. CALL TO ORDER
2. APPROVAL OF MINUTES
3. REPORTS

Parks

- Comprehensive Plan Update
- Update on playground equipment
 - Rotary Park
- BMX Track
- Park Trail
- Tree City USA
 - Arbor Day Event
 - Ordinance Addressing Trees
- Picnic Table/Bench Sponsorships
- Arboretum Update (*Sue Rohde*)

Recreation Reports

- Recreation Programs Update
- Kids Inc. (*Reese Linn*)
- Seniors (*June Krause*)

4. QUESTIONS OR COMMENTS FROM THE PUBLIC OR BOARD
5. OTHER BUSINESS
6. ADJOURN

NOTES:

- ♦ Please bring your Park and Rec Board notebook to the meeting
- ♦ The next meeting is scheduled for July 22, 2008

Public Works Staff Report

April 22, 2008

RE: Levens Street Bridge Pavement Smoothness Report

Recommendation:

Receive Information.

Background:

Levens Street Bridge was design and constructed under ODOT Specifications. During construction of the bridge deck (September 2007), several high areas out of specification were noted. These areas were subsequently ground down with a diamond blade (October 2007) to put them within specifications. A February 2008 inspection by ODOT rated the bridge 98 out of 100.

In spite of the corrective work, there is still a perception that the bridge has poor ride quality. Oregon, like most states, does not have a formal pavement smoothness specification. The ride quality of the finished product can vary significantly based upon the experience of the contractor and equipment used. Most contractors can exceed (do better than) the standards.

Formal pavement smoothness specifications require expensive equipment, costing tens or hundreds of thousands of dollars. In addition, contractors should have an adjustment time in order to conform to such. If Dallas were to adopt such a standard, we would be pioneering this effort in the state.

It is possible that the smoothness of the bridge deck could be improved by placement of a thin asphalt overlay (1" to 1.5"). The cost of the overlay, traffic control, joint seals, striping and grinding would be \$40,000 to \$60,000. Placement of the asphalt would be under the same specifications as the bridge deck and there would be no guarantee of a meaningful (perception-based) improvement. Furthermore, safety of the bridge may actually decrease as the skid resistance of an asphalt deck is less than the grooved concrete. There are no safety issues associated with the current ride quality of the bridge.

Staff re-checked approach slab and bridge deck surfaces using a 12 foot straightedge with readings taken every 10 feet along the deck/slab. Out of spec results are as follows:

Deck: SE end of deck at gutter line approx. 3/4" low (water puddle noted)
SW end of deck at gutter line approx 1/2" low (water puddle noted)
NE end of deck 10' from approach slab 3/4" low (1/4" to 3/8" low in wheelpath areas)

Approach Slab:

NW end of slab 10' from AC pavement 3/4" low (1/4" low in wheelpath areas)
SE end of slab 5' from AC pavement 3/4" low (3/8" low in wheelpath areas).

Staff will have the contractor return when temperature and precipitation conditions improve so that the low areas can be filled in with epoxy grout. The main benefit from this effort will be to eliminate any standing water from the gutter lines along the north side of the bridge. This will have no impact on the pavement smoothness, as the areas are out of the wheelpaths. Correction of the 2 low areas within the approach slabs and NE area within the bridge deck will improve the smoothness somewhat, however the deck will still likely be perceived as rough (the corrected elevation difference will be about 1/4" within the wheelpath areas).

Pavement Smoothness Specifications

Every state has some sort of requirement for pavement smoothness, generally in the form of a straightedge requirement such as, "Correct deviations in excess of 1/4-inch when tested with a 12 ft straightedge." Oregon has this type of specification, and it is outlined in Section 00540.54 of the Standard Specifications.

Formal smoothness specifications, however, are designed to look at overall pavement smoothness to help ensure user satisfaction. The Oregon Department of Transportation developed a research paper in August 1998 (attached). This paper ultimately recommended that Oregon move toward a formal smoothness specification, based upon the profile index (PI). The PI is a formal measured smoothness specification. A few states, such as California, have formal smoothness specifications.

There are two basic types of formal smoothness specifications: those that consider **measured smoothness**, and those that consider actual **ride quality**.

Measured Smoothness

Specifications that consider measured smoothness use devices such as rolling straightedges and profilographs to develop roughness profile traces of the pavement surface (normally measured in the wheelpaths) to calculate overall pavement smoothness indices. These indices are then related back to established thresholds of what drivers consider "acceptable" and "objectionable" in terms of smoothness. Owner-agencies then set pay adjustments based on these thresholds. To determine "must correct" or "must grind" areas, most owner-agencies make use of a bump template which identifies unacceptable local deviation from a reference plane.

Ride Quality

Smoothness specifications that measure ride quality better account for actual user perception, or what drivers really feel. Devices which are able to best measure ride quality include "response-type" devices and inertial profilers. Response-type devices measure characteristics such as vehicle suspension travel, which can be related back to established thresholds for acceptable and

objectionable ride quantity. Inertial profilers, on the other hand, are able to produce profile traces which show the actual shape of the pavement surface, which can be then used to determine ride quality. Using established guidelines for what most drivers consider acceptable and objectionable in terms of ride quality, pay adjustments schedules and localized roughness criteria are developed by each owner-agency.

The type of specification used depends on the state. More and more states are realizing the importance of measuring actual ride quality, and not just raw smoothness. Ride quality better relates to user perception, and ride quality measurement devices are less susceptible to certain measurement biases. However, ride quality specifications generally require more sophisticated equipment and intensive training in measurement and interpretation of results.

Components of Smoothness Specifications

Smoothness Index System

The first component of any smoothness specifications is the smoothness index system that will be used. This system will drive the specifications in terms of how to select and certify measurement equipment, how to specify smoothness measurement for projects, how to evaluate collected data, and how to determine pay factors based on the smoothness data collected.

The two most commonly used smoothness indexes are the International Roughness Index (**IRI**) and Profilograph Index (**PrI**). **IRI** can be determined using measurements from any valid profiler (inertial profiler, inclinometer-based device, rod-and-level, etc.) which generates a profile trace showing the “true” shape of the pavement surface. This pavement profile is fed into an algorithm that determines the IRI value for the pavement. IRI can also be crudely measured by response-type systems using correlation to a reference profiler.

PrI is generally measured with a profilograph (California-type or Rainhart), although some software programs can compute PrI from a profile trace produced by an inertial profiler. PrI is determined by counting the number of scallops in the profile trace that fall outside of a specified blanking band. 0.2-inch (5 mm) and 0-inch (0 mm) blanking bands are most commonly used in the U.S., although a few states use a 0.1-inch (2.5 mm) blanking band as well. PrI is sometimes called Profile Index (PI) but the former is more specific.

Both IRI and PrI are reported in units of inches/mile or meters/kilometer. However, these measurements are not directly correlated and can not be directly interchanged. In general, profile traces are collected in either one or both of the wheelpaths within a pavement lane, although some states require “quarter-point” measurement instead. Some states average the values from the two wheelpaths, while other states use only one wheelpath for smoothness assessment.

Two indices that are also commonly used and are derivatives of the IRI are the Mean Roughness Index (**MRI**) and Half-car Roughness Index (**HRI**). The MRI is simply the average of the wheelpath IRI values reported for a given segment or lot. The HRI is calculated by applying the IRI algorithm to the average of the wheelpath profiles.

Some of the other smoothness indices used in the U.S. include:

- **RN**: Ride Number
- **MRN**: Mays Ride Number
- **CSI**: Cumulative Straightedge Index
- **RQI**: Ride Quality Index

Developed in early 1980's under the National Cooperative Highway Research Program (NCHRP), the **RN** was later revised and standardized by the University of Michigan for the FHWA. This index provides a prediction of mean panel rating (MPR) from profile data that estimates user perception of ride comfort. RN is reported as a number between 0 (poor ride quality) and 5 (excellent ride quality). The computation of RN should be using profiles from both wheelpaths. Though RN can also be calculated from a profile with either of the wheelpaths, research under NCHRP and later by the University of Michigan Transportation Research Institute (UMTRI) showed that this results in a poor estimate of MPR. In FHWA's ProVAL software, RN computed using both wheelpaths versus a single wheelpath is termed "two-channel RN" and "RN", respectively.

MRN is a smoothness index produced by response-type devices, such as the Mays Ride Meter. MRN is reported as a measurement in inches/mile (meters/kilometer), but does not have any direct correlation to PrI values. There is, however, usually a very good correlation between MRN and IRI.

CSI is similar to the Profilograph Index, but is produced by a specific rolling straightedge device.

RQI, developed by the Michigan Department of State Highways in the late 1960's, is an index mathematically calculated from a profile produced by an inertial profiler device, and is reported as a number between 0 (perfectly smooth) and 100 (extremely rough), although the theoretical maximum is 141.85 with no minimum. The RQI value is correlated to user perception of pavement ride quality by linking it to content at key wavelengths in profile power spectral density (PSD) function.

Equipment Types

The equipment type used for smoothness measurement is essentially dictated by the smoothness index system. For IRI/HRI/MRI systems, inertial profilers or inclinometer-based devices (walking profilers, Dipstick) must be used. Both high-speed and lightweight inertial profilers are available. High-speed inertial profilers can run at highway speeds and are appropriate for long sections of pavement that need to be tested under traffic. Lightweight profilers are ideal for testing new pavements that may have not reached "opening to traffic" strength. Lightweight profilers travel at lower speeds and may not require as much "lead-in" distance as high speed profilers, making them ideal for testing shorter segments that are closed to traffic.

For the PrI system, profilographs (with either automated or manual trace reduction) are normally used, but some states also permit inertial profilers to be used as long as the data collected by the device can be used to accurately simulate profilograph traces. No matter which device is used, device certification is required, particularly if the contractor is conducting the testing. Most states have separate Test Methods or Test Procedures for the smoothness measurement devices that are permitted.

Operation and Evaluation

Procedures for smoothness measurement equipment operation need to be specified to ensure that data collection quality meets the owner-agency requirements. Some states may even require operator certification, particularly for inertial profilers, since it is not a trivial task to operate and collect profile data correctly. States which require the contractor to conduct smoothness testing normally require both operator and profiler certification.

Evaluation or analysis of the smoothness data and the report elements/format are also often specified. For inertial profiler data collection, it is important to make sure that the profile data format is compatible with standard software such as ProVAL. The benefits of this requirement in the specifications will help to ensure that the owner-agency and contractor can readily exchange data and resolve discrepancies.

Report Segment Length

The report segment length (or “lot length”) for pavement smoothness is a very important component due to the averaging process of smoothness index computation. The most commonly used report segment length is 0.1 mile or 528 ft (160 meters). Occasionally, 0.05 mile or 264 ft (80 meters) lengths may also be used. Keep in mind, that in general, the longer the segment the lower the ride index values due to the amount of data that is averaged. Normally, pay adjustments are based on the smoothness index reported for each lot.

Localized Roughness

In addition to the overall smoothness index report, localized roughness is often identified and reported separately. Localized roughness (or “hot spots”) are isolated areas of roughness, which by themselves can cause a significant increase in the overall reported smoothness index.

The main reason for identifying localized roughness is that it may be objectionable, and possibly hazardous, even if it appears on an otherwise smooth road. However, the hot spot may be “hidden” if no localized roughness provision is used and it is not quite severe enough to cause the overall smoothness index value to exceed a certain threshold. Therefore, most states specify localized roughness criteria separately from the overall smoothness index threshold so that these areas can be identified and corrected separately.

Incentives/Disincentives and Corrective Action

Most states are willing to “pay for smooth pavement” in the form of incentives in the smoothness specifications. Virtually all states require that the contractor either correct a pavement that doesn’t meet a specified smoothness level or accept a payment reduction. For states which do provide incentives and/or disincentives, pay adjustments generally take the form of either a lump-sum dollar amount for each lot, or a multiplier applied to the contract unit price paid for the paving material. Most specifications require corrective action only for localized roughness. Some states, however, permit the contractor to accept a lump-sum “penalty” for each localized roughness incident, in lieu of corrective action.

Many different methods have been used to determine incentive and disincentive levels. Each state must carefully evaluate what they are willing to accept and what they are willing to “pay for” in terms of pavement smoothness. If enough data is available, these incentives/disincentives should be based on life-cycle cost analyses that account for initial as-constructed smoothness, long-term smoothness, and overall pavement performance. The four basic smoothness index thresholds which will be found in any incentive/disincentive smoothness specification include:

- Incentive Limits
- Full Pay Limits
- Disincentive Limits
- Threshold for Corrective Action

Smoothness specifications should describe what forms of corrective action are permitted. Most states permit diamond grinding for correction of both PCC and HMA pavement surfaces. Some states require full removal and replacement or an additional overlay for correction of HMA pavement. The majority of states which provide incentives in their specifications will not pay incentives after corrective action has been completed unless the corrective action consisted of full removal and replacement.

Transition Period

When states make a major change in smoothness specifications, it is often necessary to have a transitional period in order for the contractors and owner-agencies to become more comfortable with the specification. Such might be the case if a state is changing from a Profilograph Index specification to an IRI specification. This transition makes it easier for contractors to “digest” and adjust to the new specification, while also permitting the owner-agency to evaluate and make adjustments to the specification. During transitional periods a developmental or pilot specification may be used. Often, these developmental or pilot specifications limit or even eliminate the disincentives for “pilot projects” that are constructed under the new specification. The maximum incentive is also often limited. This reduces the risk to the contractor and allows them to evaluate how well their paving operations will perform under the new specification so that changes can be made.

Public Works Staff Report

April 23, 2008

RE: **December 2007 Disaster Recovery Status Report**

Recommendation:

Receive Information.

Background:

The City was subject to intense rainfall and flooding during the December 2-3, 2007 storm. Rickreall Creek and Ash Creek approached or exceeded the predicted 100-year flood level. Various utility and transportation facilities were damaged. FEMA subsequently declared the event a disaster, making damaged facilities eligible for federal funding.

Staff met with FEMA representatives and developed a list of 9 potential projects. To date, 5 of the projects have been formally approved, 3 are pending approval and 1 was determined to be ineligible. FEMA disaster assistance funding will reimburse the City for 75% of the approved amount for each eligible project.

Summary of City Identified Projects:

The following is a list of damage sites, approval status and construction status thereof:

Damage Description	FEMA #	Amount	Approved	Construction status
Intake Station	PW 133	\$18,077	Yes	50% complete
Citywide Debris Removal	PW 566	\$10,692	Yes	100% complete
Fir Villa Road (storm drain)	PW 461	\$ 9,662	Yes	100% complete
Fir Villa Road (sidewalk)	PW 463	\$4,000	Yes	100% complete
New Trail (erosion @ edge)	PW 459	\$8,300	Yes	0% complete
Brandvolt Drive (erosion)	pending	pending	No	100% complete
Driveway @ MCH (replace)	pending	pending	No	under construction
Retaining Wall – City Park	PW 460	\$0	No	Ineligible Project
Stream Gauge @ WWTP	pending	pending	No	75% complete

Public Works Staff Report

April 15, 2008

RE: Systems Development Charge (SDC) Status Report

Recommendation:

Receive Information.

Background:

Systems development charges (SDC) are charges imposed upon new development to provide the needed infrastructure for the development. The City currently has SDC's for Water, Sewer, Storm Drainage, Transportation and Parks. ORS Sections 223.297 to 223.314 govern the establishment of SDC's.

The above-stated ORS sections allow for the imposition of SDC's to fund various growth related projects. Systems Development Charges must:

- (a) Be established or modified by ordinance or resolution setting forth a methodology that is available for public inspection and demonstrates consideration of:
 - (i) The projected cost of the capital improvements identified in the plan and list adopted pursuant to ORS 223.309 that are needed to increase the capacity of the systems to which the fee is related; and
 - (ii) The need for increased capacity in the system to which the fee is related that will be required to serve the demands placed on the system by future users.
- (b) Be calculated to obtain the cost of capital improvements for the projected need for available system capacity for future users.
- (c) Any local government that proposes to establish or modify a system development charge shall maintain a list of persons who have made a written request for notification prior to adoption or amendment of a methodology for any system development charge.
- (d) Written notice must be mailed to persons on the list at least 90 days prior to the first hearing to establish or modify a system development charge, and the methodology supporting the system development charge must be available at least 60 days prior to the first hearing.

Summary of City SDC's:

The following is a list of the fees, authorizing Resolutions and dates of adoption of the various SDC's imposed by the City:

SDC Type	Amount	Resolution	Adoption Date	Methodology Date
Water	\$3425	3054	Sept. 7, 2004	May 2004
Sewer	\$3500	3054	Sept. 7, 2004	Feb. 1999
Storm	\$ 812	3054	Sept. 7, 2004	Sept. 2004
Parks	\$1985	3113	Dec. 18, 2006	June 2006
Transportation	\$ 1016	3097	June 5, 2006	Feb. 1999

Note: Table indicates SDC's per single family residence.

Storm drainage is the most recently established SDC. The fee is up to date and does not need to be revised at this time.

The Parks SDC was updated in 2006, and is adequate for the next 5-8 years.

The Water SDC is adequate for the next 3-5 years based upon an analysis in 2004.

The Sewer SDC is not recommended for review until the Phase II WWTP analysis is completed in early 2009. Upon completion of the analysis the capital costs of any needed expansion of the plant will be known, as well as any other identified projects.

The Transportation SDC was developed in 1999. Based upon projects identified in the proposed TSP, the SDC is inadequate. **Staff recommends a review and update of the Transportation SDC based upon the identified projects.**

MEMORANDUM

Date: April 22, 2008

To: Jerry Wyatt, City Manager

From: Fred Braun, Director of Public Works

Re: Proposed Changes to Dallas City Code Chapter 4

The Public Works Department has prepared proposed revisions to Chapter 4 of the City Code. These changes are mostly in the Industrial Pretreatment Program section of the code (4.150 to 4.298), with some additional changes in the Definitions section (4.000), Use of Public Sewers (4.025 to 4.042), Private Sewage Disposal (4.050 to 4.062), and Building Sewers and Connections (4.100 to 4.118). These revisions are in response to the following:

- In September 2005, EPA signed and in October 2005 published in the Federal Register final changes to its General Pretreatment Regulations. These changes, known as the Streamlining Rule, contain mandatory and optional changes that need to be adopted by local authorities. The proposed City Code changes contain all the mandatory changes, and several of the optional changes.
- In December 2006 the Oregon Department of Environmental Quality performed an audit of the City of Dallas Industrial Pretreatment Program. The audit findings contained several required and recommended actions intended to update the current program, including a requirement to update the pretreatment program's legal authority (City Code) and procedures to reflect the mandatory streamlining changes.

A detailed summary of the proposed changes are included in the attached summary. Some of the main changes include:

- Enforcement sections added to Use of Public Sewers (4.025 to 4.042), Private Sewage Disposal (4.050 to 4.062), and Building Sewers and Connections (4.100 to 4.118).
- Following EPA recommendation, definition of "Administrator" for the pretreatment program changed from the "City" to the Director of Public Works.
- Allows the Director to develop Best Management Practices (BMPs) to implement Local Limits
- Amends industrial wastewater discharge permit contents, including provisions for best management practices, and slug discharge control requirements.
- Requires significant industrial users to notify the Director immediately of any changes at its facility affecting the potential for a Slug Discharge.

- For administrative penalties in response to Code violations, removes specific penalty maximum. Refers to a schedule of graduated penalties to be adopted by resolution by the City Council.
- For civil penalties, changes maximum civil penalty to \$1250 per violation per day. Adds sentence indicating that for continuing violations, each day is a separate violation.
- For criminal prosecution, changes maximum Class C misdemeanor penalty to \$1250 per violation per day. Adds sentence indicating that for continuing violations, each day is a separate violation.
- Contractor Listing. New section, stating that Users which have not achieved compliance with applicable Pretreatment Standards and Requirements are not eligible to receive a contractual award for the sale of goods or services to the Director. Existing contracts for the sale of goods or services to the City held by a User found to be in Significant Noncompliance with Pretreatment Standards or Requirements may be terminated at the discretion of the Director.

A copy of sections 4.000 to 4.298 of the City Code with all of the proposed changes is attached to this memorandum. The proposed changes to the Industrial Pretreatment Program section of the City Code have been reviewed and approved by the Oregon Department of Environmental Quality.

Dallas City Code

Chapter 4: Utilities

Summary of Proposed Changes to

Use of Public Sewers, Private Sewage Disposal, Building Sewers and Connections, Pretreatment

4.000	Definitions Updated definitions. Changed unnecessary definitions. Added clarifying adjective “sanitary” to several definitions. Added new definition for stormwater.
4.030	Unlawful Discharge Changed incorrect section reference to 4.000 – 4.116
4.040	Installation Required Replaced “this ordinance” with “sections 4.000 to 4.040.”
4.042	Penalty New section, clarifying that violations of sections 4.025 to 4.040 are civil infractions.
4.062	Penalty New section, clarifying that violations of sections 4.050 to 4.060 are civil infractions.
4.106	Use of Existing Building Sewers Changed incorrect section reference to 4.000 – 4.116
4.040, 4.050, 4.102, 4.110, 4.114,	Several Sections Changed “public sewer” to “pubic sanitary sewer.”
4.100, 4.102, 4.104, 4.106, 4.110, 4.112, 4.114, 4.116	Several Sections Changed “building sewer” to “building sanitary sewer.”
4.118	Penalty New section, clarifying that violations of sections 4.100 to 4.116 are civil infractions.
4.150 to 4.298	Numerous Sections Changed reference to “this ordinance” to appropriate numbered sections of the code.
4.152	Administration Changes definition of “Administrator” for the pretreatment program from the “City” to the Director of Public Works. EPA

	recommendation. City includes “city of Dallas or the city council of Dallas, Oregon or the city's designee.”
4.154	Definitions Amends definitions for “Authorized Representative of Industrial User,” “Biochemical Oxygen Demand,” “Existing Source,” “Local Limits/Specific Pollutant Limitations,” “Noncontact Cooling Water or Cooling Water,” “Significant Industrial User,” “Slug Load or Slug Discharge.” Definitions added for “Best Management Practices,” “Categorical Industrial User,” “Chemical Oxygen Demand or COD,” “Daily Maximum,” “Daily Maximum Limit,” “Hauled Wastewater or Wastes,” “Instantaneous Limit,” “Monthly Average,” “Monthly Average Limit,” “Septic Tank Waste,” “Wastewater Treatment Plant or Treatment Plant.” Amendments and additions follow EPA recommendations.
4.158	Prohibited Discharge Standards Adds additional prohibitions following EPA recommendations.
4.160	National Categorical Pretreatment Standards Adds flexibility to convert a concentration-based categorical limit to a mass-based limit, and vice-versa.
4.164	Specific Pollutant Limitations (Local Limits)/Permit Required Allows the Director to develop Best Management Practices (BMPs) to implement Local Limits
4.174	Pretreatment Facilities Changes administration of section from “city” to “Director.”
4.176	Additional Pretreatment Measures Changes administration of section from “city” to “Director.”
4.178	Accidental Discharge/Slug Discharge Control Plans Changes title of section, following EPA recommendation.
4.182	Separation of Domestic and Industrial Wastestreams Changes administration of section from “city” to “Director.”
4.184	Hauled Wastewater Clarifies that the City may collect samples of hauled loads, may require waste analysis of any load prior to discharge, and a waste-tracking form must be provided for every load.
4.189	Wastewater Survey Changes administration of section from “city” to “Director.”
4.196	Permitting Extrajurisdictional Industrial Users Section deleted.
4.198	Wastewater Discharge Permit Application Contents Amends the information required in a permit application, following EPA recommendations. Changes administration of section from “city” to “Director.”
4.200	Application Signatories and Certification Amends Certification Statement requirements, and adds a new certification for non-significant categorical

	industrial user.
4.202	<u>Wastewater Discharge Permit Decisions</u> Changes administration of section from “city” to “Director.”
4.204	<u>Wastewater Discharge Permit Duration</u> Changes administration of section from “city” to “Director.”
4.206	<u>Wastewater Discharge Permit Contents</u> Amends permit contents, including provisions for best management practices, and slug discharge control requirements. These are required changes from EPA. Also changes administration of section from “city” to “Director.”
4.208	<u>Wastewater Discharge Permit Appeals</u> Changes administration of section from “city” to “Director.”
4.210	<u>Wastewater Discharge Permit Modifications</u> Changes administration of section from “city” to “Director.”
4.212	<u>Wastewater Discharge Permit Transfer</u> Changes administration of section from “city” to “Director.”
4.214	<u>Wastewater Discharge Permit Revocation</u> Changes administration of section from “city” to “Director.”
4.220	<u>Baseline Monitoring Reports</u> Clarifies sampling requirements.
4.222	<u>Compliance Schedule Progress Reports</u> Changes administration of section from “city” to “Director.”
4.224	<u>90-Day Compliance Reports</u> Changes administration of section from “city” to Director.”
4.226	<u>Periodic Compliance Reports</u> Adds reporting requirements for best management practices. Allows reduced reporting requirements for minor dischargers. Also changes administration of section from “city” to “Director.”
4.228	<u>Reports of Changed Conditions</u> Changes administration of section from “city” to “Director.”
4.230	<u>Reports of Potential Problems</u> Requires significant industrial users to notify the Director immediately of any changes at its facility affecting the potential for a Slug Discharge. Required change from EPA. Also changes administration of section from “city” to “Director.”
4.232	<u>Reports from Unpermitted Industrial Users</u> Changes administration of section from “city” to Director.”
4.234	<u>Reporting of Additional Monitoring</u> Changes administration of section from “city” to “Director.”
4.236	<u>Notification of the Discharge of Hazardous Waste</u> Changes administration of

	section from "city" to "Director."
4.238	<u>Notification of Significant Production Change</u> Changes administration of section from "city" to "Director."
4.240	<u>Timing</u> Clarifies date of receipt of reports which are not mailed.
4.242	<u>Record Keeping</u> Clarifies record keeping requirements , including those for best management practices. BMP requirements required change from EPA.
4.248	<u>Analytical Requirements</u> Clarifies required analytical laboratory procedures.
4.250	<u>Sample Collection</u> Clarifies required sample collection procedures.
4.252	<u>Resampling Requirements for Self-Monitoring Violations</u> Clarifies resampling procedures when City performs sampling on behalf of industrial user. Required change from EPA.
4.254	<u>Confidential Information</u> Changes administration of section from "city" to "Director."
4.256	<u>Publication of Users in Significant Noncompliance</u> Amends definitions of Significant Noncompliance. Required change from EPA.
4.258	<u>Notification of Violation</u> Changes administration of section from "city" to "Director."
4.264	<u>Compliance Orders</u> Changes administration of section from "city" to "Director."
4.266	<u>Cease and Desist Orders</u> Changes administration of section from "city" to "Director."
4.268	<u>Administrative Fines</u> Removes specific penalty maximum. Refers to a schedule of graduated penalties to be adopted by resolution by the City Council. Also changes administration of section from "city" to "Director."
4.270	<u>Emergency Suspensions</u> Changes administration of section from "city" to "Director."
4.272	<u>Termination of Discharge and/or Wastewater Discharge Permit</u> Changes administration of section from "city" to "Director." Added "Tampering with monitoring equipment" as cause for termination.
4.278	<u>Civil Penalties</u> Changes maximum civil penalty to \$1250 per violation per day. Adds sentence indicating that for continuing violations, each day is a separate violation.
4.280	<u>Criminal Prosecution</u> Changes maximum Class C misdemeanor penalty to \$1250 per violation per day. Adds sentence indicating that for continuing violations, each day is a separate violation.
4.287	<u>Payment of Outstanding Fees and Penalties</u> New section allowing Director to

	decline to issue or reissue an individual wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties.
4.289	<u>Contractor Listing</u> New section, stating that Users which have not achieved compliance with applicable Pretreatment Standards and Requirements are not eligible to receive a contractual award for the sale of goods or services to the Director. Existing contracts for the sale of goods or services to [the City] held by a User found to be in Significant Noncompliance with Pretreatment Standards or Requirements may be terminated at the discretion of the Director.
4.292	<u>Affirmative Defense for Upset</u> Changes administration of section from "city" to "Director."
4.294	<u>Affirmative Defense for Bypass</u> Changes administration of section from "city" to "Director."

CHAPTER 4: UTILITIES

DEFINITIONS

4.000 Definitions.

For purposes of sections 4.000 to 4.116, the following mean:

Building drain. That part of the lowest horizontal piping of a drainage system that receives the discharge from soil waste and other drainage pipes inside the walls of the building and conveys it to the building sanitary sewer, beginning five feet outside the inner face of the building wall.

Building sanitary sewer. The extension from the building drain to the public sanitary sewer or other place of disposal.

Director. The director of community development or his authorized designee.

Garbage. Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

Industrial wastes. The liquid wastes from industrial manufacturing processes, trade, or business, as distinct from sanitary sewage.

Natural outlet. An outlet into a watercourse, ditch, pond, lake, or other body of surface or groundwater.

Public sanitary sewer. A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

Residential user. All single-family dwelling units or multiple-family dwelling units where water service is supplied to each unit through individual water meters.

Sanitary sewer. A sewer that carries sewage and industrial wastes to which storm, surface, and groundwaters are not intentionally admitted.

Sewage. Human excrement and gray water (wastewater from household showers, dish-washing and domestic laundry operations, etc.)

Sewer. A pipe or conduit for carrying sewage.

Storm drain or storm sewer. A sewer that carries stormwater, and excludes sewage and industrial wastes, other than unpolluted cooling water.

Stormwater. Rainwater runoff, snowmelt runoff, and surface runoff and drainage.

Watercourse. A channel in which a flow of water occurs, either continuously or intermittently.

[Section 4.000 amended by Ordinance No. 1501(1), passed May 16, 1994. Section 4.000 amended by Ordinance No. 1559, passed May 4, 1998.]

USE OF PUBLIC SEWERS

4.025 Unlawful Disposal.

No person shall place, deposit, or permit to be deposited in an unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste.

4.030 Unlawful Discharge.

No person shall discharge to a natural outlet within the city, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of sections 4.000 to 4.116.

4.040 Installation Required.

The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes are required at their expense to install suitable toilet facilities therein, and to connect such facilities directly with the public sanitary sewer in accordance with the provisions of sections 4.000 to 4.040 except that such facilities which, on February 18, 1997, are connected to a lawfully existing private disposal system may continue to use the private sewage disposal system until given 90 days advance written notice from the city that they must connect such facilities to the public sanitary sewer.

[Section 4.040 amended by Ordinance No. 1540, passed February 18, 1997.]

4.042 Penalty.

Violation of sections 4.025 to 4.040 is a civil infraction.

PRIVATE SEWAGE DISPOSAL

4.050 Private Sewage Disposal System.

No person shall construct, use or maintain a privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except that on site private sewage disposal systems lawfully in existence and in use on February 18, 1997, may continue to be used, provided they are properly maintained, until the owner of the property on which such on site disposal system is located is given 90 days advance written notice by the city that the property must be connected to the public sanitary sewer.

[Section 4.050 amended by Ordinance No. 1540, passed February 18, 1997.]

4.054 Compliance With State Law.

- (1) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations and regulations of the Oregon Department of Environmental Quality.
- (2) Reserved.
- (3) No septic tank or cesspool shall be permitted to discharge to any natural outlet.

[Section 4.054 amended by Ordinance No. 1540, passed February 18, 1997.]

4.056 Abandonment of Private System.

Immediately upon the abandonment of a private sewage disposal system, the system shall be cleaned of sludge and filled with material approved by the director of public works.

4.058 Maintenance.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the city.

4.060 Additional Requirements.

No statement contained in sections 4.050 to 4.060 shall be construed to interfere with any additional requirements that may be imposed by Polk County or the state of Oregon.

4.062 Penalty

Violation of sections 4.050 to 4.060 is a civil infraction.

BUILDING SEWERS AND CONNECTIONS

4.100 Building Sanitary Sewers and Connections.

There shall be two classes of building sanitary sewer permits:

- (1) Residential and commercial service, and
- (2) Service to establishments producing industrial wastes.

4.102 Sanitary Sewer Installation and Connection.

(1) No person shall make a connection to a public sanitary sewer without first obtaining a permit from the director on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the director.

(2) All costs and expenses incident to the installation and connection of the building sanitary sewer shall be borne by the owner.

(3) The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sanitary sewer.

4.104 Separate Building Sanitary Sewer Required.

A separate and independent building sanitary sewer shall be provided for each lot.

4.106 Use of Existing Building Sanitary Sewers.

Old building sanitary sewers may be used in connection with new buildings only if they are found, on examination by the director, to meet all requirements of sections 4.000 to 4.116.

4.108 State Law Requirements.

All new construction shall comply with the plumbing code and specifications of the public works department.

4.110 Elevation of Building Sanitary Sewer.

When possible, the building sanitary sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which a building drain is too low to permit gravity flow to the public sanitary sewer, sanitary sewage carried by the building drain shall be lifted by an approved means and discharged to the building sanitary sewer.

4.112 Prohibited Connection.

No person shall connect roof downspouts, exterior foundation drains, areaway drains, or other sources of stormwater or groundwater to a building sanitary sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

4.114 Connection and Inspection.

The applicant for a building sanitary sewer permit shall notify the director when the building sanitary sewer is ready for inspection and connection to the public sanitary sewer. The connection shall be made under the supervision of the director or his representative.

4.116 Sanitary Sewer Connection Excavations.

All excavations for building sanitary sewer installation shall be adequately guarded with barricades and lights to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the director of public works.

[Sections 4.150 through 4.260 repealed and replaced by Ordinance No. 1503, passed October 17, 1994.]

4.118 Penalty

Violation of sections 4.100 to 4.116 is a civil infraction.

PRETREATMENT

4.150 Purpose and Policy.

Sections 4.150 to 4.298 set forth uniform requirements for indirect discharges of pollutants from nondomestic sources into the wastewater collection and treatment system for the city of Dallas and enables the city to comply with all applicable state and federal laws including the Clean Water Act (Act 33 U.S.C. 1251 et seq.), the General Pretreatment Regulations (40 CFR Part 403) and Oregon Administrative Rules (OAR) Chapter 340. The objectives of sections 4.150 to 4.298 are:

- (1) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system;
- (2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (3) To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its beneficial use;
- (4) To protect both municipal personnel who may come in contact with sewage, sludge and effluent in the course of their employment as well as protecting the general public;
- (5) To preserve the hydraulic capacity and the organic treatment capacity of the municipal wastewater system;
- (6) To improve the opportunity to recycle and/or reclaim wastewater and sludge within and/or from the system;
- (7) To provide for a more equitable distribution of the cost of operation, maintenance and improvements of the municipal wastewater system; and
- (8) To ensure the city complies with its NPDES permit conditions, sludge use and disposal requirements and any other federal or state laws which the municipal wastewater system is subject to.

Sections 4.150 to 4.298 provide for the regulation of indirect discharge to the municipal wastewater collection system through the issuance of permits to certain nondomestic users and through enforcement of general requirements for other users, authorizes monitoring and enforcement activities, establishes administrative review procedures, requires user reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

Sections 4.150 to 4.298 shall apply to the city of Dallas and to persons outside the city who, by contract or agreement with the city, are included as users of the municipal wastewater system. Except as otherwise provided herein, the director of the municipal wastewater system or his agent(s) shall administer, implement, and enforce the provisions of sections 4.150 to 4.298.

Sections 4.150 to 4.298 are gender neutral and the masculine gender shall include the feminine and vice versa. Shall is mandatory may is permissive or discretionary. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

[Section 4.150 added by Ordinance No. 1503, passed October 17, 1994.]

4.152 Administration.

Except as otherwise provided herein, the Director shall administer, implement, and enforce the provisions of sections 4.150 to 4.298. Any powers granted to or duties imposed upon the Director may be delegated by the Director to a duly authorized city employee.

[Section 4.152 added by Ordinance No. 1503, passed October 17, 1994.]

4.154 Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in sections 4.150 to 4.298 shall have the meanings hereinafter designated:

- (1) Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.
- (2) Approval Authority. The Oregon Department of Environmental Quality (DEQ).
- (3) Authorized Representative of the Industrial User.
 1. If the industrial user is a corporation, authorized representative shall mean:
 - (a) The president, secretary, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures

2. If the industrial user is a partnership, association, or sole proprietorship, an authorized representative shall mean a general partner or the proprietor.

3. If the individual user is representing federal, state or local governments, or an agent thereof, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

4. The individuals described in paragraphs 1-3 above may designate another authorized representative if the authorization is in writing and specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or specifies the individual having overall responsibility for environmental matters for the company, and the authorization is submitted to the city.

(4) Biochemical Oxygen Demand (BOD5). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degrees centigrade usually expressed as concentration (milligrams per liter-mg/l).

(5) Best Management Practices or BMPs. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 4.158. BMPs 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.

(6) Building Sewer. A sewer line conveying wastewater from the premises of a user to the municipal collection system or the municipal wastewater treatment facility.

(7) Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of industrial users and which appears in 40 CFR Chapter 1, Subchapter N, Parts 405-471, incorporated herein by reference.

(8) Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

(9) Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water

- (10) City. The city of Dallas or the city council of Dallas, Oregon or the city's designee.
- (11) Color. The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.
- (12) Composite Sample. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on either an increment of flow or time.
- (13) Control Authority. The phrase "Control Authority" shall refer to the city once the city has a pretreatment program approved by the Oregon Department of Environmental Quality in accordance with the provisions of 40 CFR 403.11.
- (14) Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- (15) Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- (16) Department of Environmental Quality or DEQ. The Oregon Department of Environmental Quality or where appropriate, the term or acronym may also be used as a designation for the director of the department or other duly authorized official or agent of the department.
- (17) Director. Director of Public Works or the director's designee.
- (18) Discharge. The discharge or the introduction of pollutants into the municipal wastewater system from any nondomestic source regulated under section 307(b), (c) or (d), of the Act.
- (19) Domestic Sewage. Sewage.
- (20) Environmental Protection Agency or U.S. EPA. The U.S. Environmental Protection Agency or, where appropriate, the term or acronym may also be used as a designation for the Regional Water Management Division Director or other duly authorized official or agent of said agency.
- (21) Existing Source. Any source of discharge that is not a "New Source."
- (22) Grab Sample. A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

(23) Hauled Wastewater or Wastes. Any wastewater or waste transported to the POTW by truck. Hauled wastewater may include chemical toilet waste, septic tank waste, holding tank waste.

(24) Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(25) Industrial User. Any person other than defined as a residential user which is a source of discharge.

(26) Industrial Wastewater. Nondomestic wastewater originating from a nonresidential source.

(27) Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

(28) Interference. A discharge which, alone or in conjunction with a discharge or discharges from other sources both:

(a) Inhibits or disrupts the municipal wastewater system, its treatment processes or operations, or its sludge processes, use or disposal; and

(b) Therefore is a cause of a violation of any requirements of the city's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations: section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research, and Sanctuaries Act.

(29) Local Limits/Specific Pollutant Limitations. Specific discharge limits developed and enforced by the city upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b), which apply only to Significant Industrial Users.

(30) Manager. The city manager or the manager's designee.

(31) Medical Waste. Isolation wastes, infectious agents, human blood and blood by-products, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

(32) Monthly Average. The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

(33) Monthly Average Limit. The highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

(34) Municipal Wastewater System or System. A "treatment works" as defined in section 212 of the Act, (33 U.S.C.1292) which is owned by the state or the city. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes and any conveyances which convey wastewater to a treatment plant. The term also means the municipal entity having responsibility for the operation and maintenance of the system.

(35) National Pretreatment Standard. National pretreatment standard is defined in 40 CFR 403.3(l) as any regulation containing pollutant discharge limits promulgated by EPA under section 307(b) and (c) of the Clean Water Act applicable to industrial users, including the general and specific prohibitions found in 40 CFR 403.5.

(36) New Source.

(a) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(i) The building, structure, facility or installation is constructed at a site at which no other source is located; or

(ii) The building, structure, facility or installation completely replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(iii) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (a)(ii) or (a)(iii) of this section but otherwise alter, replaces, or adds to existing process or production equipment.

(c) Construction of a new source as defined under this paragraph has commenced if the owner or operator has begun, or caused to begin as part of a continuous on-site construction program:

(i) Any placement, assembly, or installation of facilities or equipment; or

(ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structure, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(iii) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(37) Noncontact Cooling Water or Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product. Cooling water may be generated from any use such as air conditioning, cooling, or refrigeration.

(38) Nondomestic Pollutants. Any substances other than human excrement and household gray water (wastewater from shower, dishwashing or domestic laundry operation, etc.). Nondomestic pollutants include the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD5, COD, toxicity, odor, etc.).

(39) Nondomestic Source. Industrial user.

(40) Nondomestic User. Industrial user.

(41) Nondomestic Wastewater. Industrial wastewater.

(42) Nonresidential Source. Industrial user.

(43) Pass Through. A discharge which exits the municipal wastewater system or the sewage treatment plant (effluent) into waters of the U.S. in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's NPDES permit, including an increase in the magnitude or duration of a violation.

(44) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state, or local governmental entities.

(45) pH. The logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed in moles per liter of a solution; or, a measure of the acidity or alkalinity of a solution, expressed in standard units (SUs).

(46) Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, municipal wastes, agricultural wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and certain characteristics of wastewater in excess of specified state, federal or local standards or NPDES permit limits (e.g., pH, temperature, Total Suspended Solids (TSS), turbidity, color, BOD5, COD toxicity, odor, etc.).

(47) Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the municipal wastewater system. This reduction or alteration may be obtained by physical, chemical or biological processes, by process changes or by other means, except as prohibited by 40 CFR 403.6(d), pursuant to 40 CFR 403.3(s).

(48) Pretreatment Requirement. Any substantive or procedural requirement related to pretreatment, other than national pretreatment standards, imposed on an industrial user.

(49) Pretreatment Standard or Standard. Prohibited discharge standard, categorical discharge standards and local limits.

(50) Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain types or characteristics of wastewater as established by EPA, DEQ and/or the city or this ordinance.

(51) Publicly Owned Treatment Works (POTW). Municipal Wastewater System.

(52) Residential Users. Persons contributing only domestic sewage to the municipal wastewater system.

(53) Receiving Streams or Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, well, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state of Oregon or any portion thereof.

(54) Septic Tank Waste. Any wastes originating from septic tanks used for domestic waste disposal.

(55) Sewage. Human excrement and gray water (wastewater from household showers, dish-washing and domestic laundry operations, etc.)

(56) Sewage Treatment Plant (STP). Treatment Plant.

(57) Sewer. The municipal wastewater collection or conveyance system, or any portion thereof, such as any pipe, conduit or other device used to transport sewage and/or industrial wastewater to a sewage treatment plant.

(58) Significant Industrial User.

(a) Except as provided in paragraph b below, the term significant user shall mean industrial users subject to categorical pretreatment standards; or any other industrial user that:

(i) Discharges an average of 25,000 gallons per day (gpd) or more of process wastewater; (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

(ii) Contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the sewage treatment plant; or

(iii) Is designated as significant by the Director on the basis that the industrial user has a potential to adversely affect the POTW's operation or for violating any pretreatment standards or requirement.

(b) Upon a finding that an industrial user meeting the criteria in paragraph (a)(ii) or (a)(iii) of this section has no reasonable potential for adversely affecting the municipal wastewater system's operation or for violating any pretreatment standard or requirement, the Director may at any time, on the Director's own initiative or in response to a petition received from such industrial user, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

(c) The Director may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met

(i) The Industrial User, prior to Director's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

(ii) The Industrial User annually submits the certification statement required in Section 4.200(2), together with any additional information necessary to support the certification statement; and

(iii) The Industrial User never discharges any untreated concentrated wastewater.

(59) Slug Load or Slug Discharge. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, violate the prohibited discharge standards in Section 4.158, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

(60) State. State of Oregon.

(61) Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom, including snowmelt.

(62) Suspended Solids or Total Suspended Solids (TSS). The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

(63) Total Suspended Solids (TSS). See Suspended Solids.

(64) Toxic Pollutant. One of the pollutants or combination of those pollutants listed as toxic in regulations promulgated by the Environmental Protection Agency under the provision of section 307 (33 U.S.C. 1317) of the Act.

(65) Treatment Plant or Sewage Treatment Plant (STP). That portion of the municipal wastewater system designed to provide treatment of sewage and industrial waste.

(66) Treatment Plant Effluent. Any discharge from the municipal wastewater system into waters of the state.

(67) User. Any person who contributes, or causes or allows the contribution of sewage or industrial wastewater into the municipal wastewater system, including persons who contribute such wastes from mobile sources.

(68) Wastewater. The liquid and water-carried industrial wastes, or sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which is contributed to the municipal wastewater system.

(69) Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal and industrial waste.

[Section 4.154 added by Ordinance No. 1503, passed October 17, 1994.]

4.156 Abbreviations.

The following abbreviations shall have the designated meanings:

BOD5 Biochemical Oxygen Demand

CFR Code of Federal Regulations

COD Chemical Oxygen Demand

DEQ Oregon Department of Environmental Quality

EPA U.S. Environmental Protection Agency

gpd Gallons Per Day

LC50 Lethal Concentration for Fifty Percent (50%) of the Test Organisms

l Liter

mg Milligrams

mg/l Milligrams per liter

NPDES National Pollutant Discharge Elimination System

O&M Operation and Maintenance

POTW Publicly Owned Treatment Works

RCRA Resource Conservation and Recovery Act
SIC Standard Industrial Classification
SIU Significant Industrial User
SNC Significant Noncompliance
SWDA Solid Waste Disposal Act (42 U.S.C. 6901, *et seq.*)
TSS Total Suspended Solids
USC United States Code

[Section 4.156 added by Ordinance No. 1503, passed October 17, 1994.]

4.158 Prohibited Discharge Standards.

(1) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause interference or pass through. These general prohibitions apply to all users of the municipal wastewater system whether or not the user is subject to categorical pretreatment standards or any other national, state or local pretreatment standards or requirements.

(2) No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the municipal wastewater system. Included in this prohibition are wastestreams with a closed cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods prescribed in 40 CFR 261.21.

(b) Solid or viscous substances in amounts which will cause obstruction of the flow in a sewer or POTW resulting in interference.

(c) Any solid or viscous substances including but not limited to oils or greases on permit, petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through, or which interfere with flow in any portion of the municipal wastewater collection or treatment conveyance system.

(d) Any wastewater having a pH less than 5.5 or more than 10.0, or which may otherwise cause corrosive structural damage to the sewerage collection system or STP equipment, or pose potential or actual safety hazards to city personnel, or endanger public health or the environment. The Director may authorize pH limits outside the above specified range in permits for specific industrial dischargers in order to accommodate pH fluctuations inherent in certain pH control devices and processes. Wastewater with a pH of less than 5.0 is prohibited at any time.

(e) Any wastewater containing pollutants in sufficient quantity (flow or concentration), either singly or by interaction with other pollutants, that pass through or interfere with the municipal wastewater system, any wastewater treatment or sludge process, or constitute a hazard to public health, animals or the environment.

(f) Any noxious or malodorous liquids, gases, or solids or other wastewater which, either singly or by interaction with other wastes, which result in toxic gases, vapors or fumes, or are otherwise sufficient to create a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for maintenance and repair.

(g) Any substance which may cause the treatment plant effluent or any other residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the system cause the city to be in noncompliance with sludge use or disposal regulations or permits issued under section 405 of the Act; the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or other state requirements applicable to the sludge use and disposal practices being used by the city.

(h) Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plants effluent thereby violating the city's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity to be more than 10 percent from the seasonably established norm for aquatic life.

(i) Any wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C).

(j) Any wastewater containing any radioactive waste or isotopes except as specifically approved by the city in compliance with applicable state or federal regulations.

(k) Any pollutants which result in the presence of toxic gases, vapor or fumes within the system in a quantity that may cause worker health and safety problems.

(l) Any trucked or hauled pollutants, except at discharge points designated by the city in accordance with section 4.184.

(m) Storm water, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, de-ionized water, cooling water and unpolluted industrial wastewater, unless specifically authorized by the city.

(n) Any sludges, screenings, or other residues from the pretreatment of industrial wastes.

(o) Any medical wastes, except as specifically authorized by the city in a wastewater permit.

(p) Any material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfere with the municipal wastewater system.

(q) Any material identified as hazardous waste according to 40 CFR Part 261 except as specifically authorized by the city.

(r) Any wastewater causing the treatment plant effluent to demonstrate toxicity to test species during a biomonitoring evaluation.

(s) Recognizable portions of the human or animal anatomy.

(t) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the municipal wastewater system.

(u) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;

(v) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

(w) Any material that creates an explosion hazard at any point in the POTW.

(3) Wastes prohibited by this section shall not be processed or stored in such a manner that these wastes could be discharged to the municipal wastewater system.

[Section 4.158 added by Ordinance No. 1503, passed October 17, 1994; Amended by Ordinance No. 1582, passed December 6, 1999.]

4.160 National Categorical Pretreatment Standards.

(1) Users subject to categorical pretreatment standards are required to comply with applicable standards as set out in 40 CFR chapter 1, subchapter N, Parts 405-471 and incorporated herein by reference.

[Section 4.160 added by Ordinance No. 1503, passed October 17, 1994.]

(2) Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with Section 4.160(5) and 4.160(6).

(3) When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Director may convert the limits to equivalent limitations expressed either as mass of pollutant

discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.

- (4) When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Director shall impose an alternate limit in accordance with 40 CFR 403.6(e).
- (5) When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the city convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Director. The city may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections (a)(i) through (a)(v) below.
 - (a) To be eligible for equivalent mass limits, the Industrial User must:
 - (i) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
 - (ii) Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
 - (iii) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
 - (iv) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
 - (v) Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.
 - (b) An Industrial User subject to equivalent mass limits must:
 - (i) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
 - (ii) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
 - (iii) Continue to record the facility's production rates and notify the Director whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph (5)(a)(iii) of this Section. Upon notification of a revised production rate, the Director will reassess the equivalent mass limit and

revise the limit as necessary to reflect changed conditions at the facility; and

- (iv) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs (5)(a)(i) of this Section so long as it discharges under an equivalent mass limit.

(c) When developing equivalent mass limits, the Director:

- (i) Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
- (ii) Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
- (iii) May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 4.170. The Industrial User must also be in compliance with Section 4.294 regarding the prohibition of bypass.]

- (6) The Director may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Director.
- (7) Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section (4.160) in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.
- (8) Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

- (9) Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Director within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Director of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

4.162 State Pretreatment Standards.

Users are required to comply with applicable state pretreatment standards and requirements set out in OAR Chapter 340. These standards and requirements are incorporated herein by reference.

[Section 4.162 added by Ordinance No. 1503, passed October 17, 1994.]

4.164 Specific Pollutant Limitations (Local Limits)/Permit Required.

(1) No nonresidential user shall discharge wastewater containing restricted substances into the municipal wastewater system in excess of limitations specified in its wastewater discharge permit, or adopted, by resolution, by the city. The city shall publish and revise from time to time standards (Local Limits) for specific restricted substances. These standards shall be developed in accordance with 40 CFR Part 403.5 and shall implement the objectives presented in section 4.150. Standards published in accordance with this section will be deemed pretreatment standards for the purposes of section 307(d) of the Act.

(2) At his discretion, the Director may impose mass limitations in addition to or in place of concentration based limitations. The Director may also revise or modify the standards (Local Limits) as required, or if deemed necessary to comply with the objectives presented in section 4.150 or the general and specific prohibitions in section 4.158, or to insure compliance with state, federal and local law.

[Section 4.164 added by Ordinance No. 1503, passed October 17, 1994.]

(3) The city may adopt by resolution Best Management Practices (BMPs) to implement Local Limits and/or the requirements of Section 4.158. Best Management Practices may be developed for certain industrial or commercial activities, and when

adopted by resolution by the city, are required to be implemented by all applicable industrial users.

4.166 City's Right to Revision.

The city reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent limitations or requirements on discharges to the municipal wastewater system if deemed necessary to comply with the objectives presented in section 4.150 or the general and specific prohibitions in section 4.158.

[Section 4.166 added by Ordinance No. 1503, passed October 17, 1994.]

4.168 Special Agreement.

The city reserves the right to enter into special agreements with users setting out special terms under which the industrial user may discharge to the system. In no case will a special agreement waive compliance with a pretreatment standard.

[Section 4.168 added by Ordinance No. 1503, passed October 17, 1994.]

4.170 Dilution.

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation (unless expressly authorized by an applicable pretreatment standard or requirement) or any other pollutant-specific limitation developed by the city.

[Section 4.170 added by Ordinance No. 1503, passed October 17, 1994.]

4.172 Deadline for Compliance with Categorical Standards.

(1) Compliance by existing sources with categorical pretreatment standards shall be within three (3) years of the date the standard is effective unless a shorter compliance time is specified in the appropriate subpart of 40 CFR Chapter 1, subchapter N.

(2) New sources shall install and have in operating condition, and shall startup all pollution control equipment required to meet applicable pretreatment standards before

beginning to discharge. Within the shortest feasible time (not to exceed 90 days), new sources must meet all applicable pretreatment standards.

[Section 4.172 added by Ordinance No. 1503, passed October 17, 1994.]

4.174 Pretreatment Facilities.

Industrial users shall provide necessary wastewater treatment as required to comply with the requirements of sections 4.150 to 4.298 and shall achieve compliance with all categorical pretreatment standards, Local Limits and the prohibitions set out in section 4.158 through section 4.172 above, within the time limitations specified by the Director. Any facilities required to pretreat wastewater to a level acceptable to the Director shall be provided, operated, and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Director for review, and shall be acceptable to the Director before pretreatment facility construction begins. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Director under the provisions of sections 4.150 to 4.298.

[Section 4.174 added by Ordinance No. 1503, passed October 17, 1994.]

4.176 Additional Pretreatment Measures.

(1) Whenever deemed necessary, the Director may require industrial users to restrict the industrial user's discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the municipal wastewater treatment and collection system and/or to determine the industrial user's compliance with the requirements of sections 4.150 to 4.298.

(2) Each person discharging into the municipal wastewater system 100,000 gallons per day or more, or greater than five percent (5%) of the average daily flow in the system, may be required by the Director to install and maintain, on his property and at his expense, a suitable storage and low control facility to insure equalization of flow over a twenty-four (24) hour period. The facility shall have a capacity for at least fifty percent (50%) of the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by the Director. A wastewater permit may be issued solely for flow equalization.

(3) Grease, oil and sand interceptors shall be provided, when, in the opinion of the Director, they are necessary for the proper handling of industrial wastewater containing excessive amounts of grease and oil, flammable substances, sand, or other potentially

harmful substances. All interception units shall be of a type and capacity approved by the Director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner, at his expense.

(4) Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

[Section 4.176 added by Ordinance No. 1503, passed October 17, 1994.]

4.178 Accidental Discharge/Slug Discharge Control Plans

(1) The Director shall evaluate whether each significant industrial user needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The Director may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges.

(2) An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

(a) Description of discharge practices, including nonroutine batch discharges;

(b) Description of stored chemicals;

(c) Procedures for immediately notifying the Director of any accidental or slug discharge, as required by Section 4.230; and

(d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

4.180 Tenant Responsibility.

Any person who shall occupy the industrial user's or owner's premises as a tenant under any rental or lease agreement shall be jointly and severally responsible for compliance with the provisions of sections 4.150 to 4.298 in the same manner as the owner.

[Section 4.180 added by Ordinance No. 1503, passed October 17, 1994.]

4.182 Separation of Domestic and Industrial Wastestreams.

All new wastestreams and domestic wastewaters from rest rooms, shower, drinking fountains, etc. unless specifically included as part of a categorical pretreatment standard, shall be kept separate from all industrial wastewaters until the industrial wastewaters have passed through a required pretreatment system and the industrial user's monitoring facility. When directed to do so by the Director, industrial users must separate existing domestic wastestreams.

[Section 4.182 added by Ordinance No. 1503, passed October 17, 1994.]

4.184 Hauled Wastewater.

(1) Hauled wastewater will be accepted into the municipal wastewater system at a designated receiving structure within the treatment plant area, at such times as are established by the Director, provided such wastes do not violate sections 4.158 through 4.172 or any other requirement established by the Director. Permits for individual vehicles to use such facilities shall be issued by the Director.

(2) All waste haulers, regardless of the origin of the hauled wastes, shall be considered "industrial users" for the purposes of sections 4.150 to 4.298.

(3) The discharge of any wastes other than Hauled Wastewater as defined in Section 4.158 requires prior approval and a wastewater discharge permit from the city. The city shall have authority to prohibit the disposal of such wastes, if such disposal would interfere with the treatment plant operation.

(4) The Director may collect samples of each hauled load to ensure compliance with applicable Standards. The Director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(5) Waste haulers must provide a waste tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of waste, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes. Hauled wastes are accepted at the discretion of the Director.

Fees for the discharge of septage will be established as part of the user fee system as authorized in section 4.296 through section 4.298.

[Section 4.184 added by Ordinance No. 1503, passed October 17, 1994.]

4.188 Vandalism.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the municipal wastewater system. Any person found in violation of this requirement shall be subject to the sanctions specified in section 4.276 through section 4.282 below.

[Section 4.188 added by Ordinance No. 1503, passed October 17, 1994.]

4.189 Wastewater Survey.

When requested by the Director, all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The Director is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of sections 4.150 to 4.298.

[Section 4.189 added by Ordinance No. 1503, passed October 17, 1994.]

4.190 Wastewater Discharge Permit Requirement.

(1) It shall be unlawful for significant industrial users (SIUs) to discharge wastewater into the city's sanitary sewer system without first obtaining a wastewater discharge permit from the city, except that an SIU that has filed a timely application pursuant to section 4.192 may continue to discharge for the time period specified therein. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of sections 4.150 to 4.298 and subject the industrial user to the sanctions specified in sections 4.258-4.291. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to obtain other permits, or to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state or local law.

(2) The city may require other industrial users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of sections 4.150 to 4.298.

[Section 4.190 added by Ordinance No. 1503, passed October 17, 1994.]

4.192 Permitting Existing Connections.

Any significant industrial user which discharges industrial waste into the municipal wastewater system prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply

to the city for a wastewater permit in accordance with section 4.198 below, and shall not cause or allow discharges to the system to continue after one hundred eighty (180) days of the effective date of this ordinance except in accordance with a permit issued by the city or as established by the city council.

[Section 4.192 added by Ordinance No. 1503, passed October 17, 1994.]

4.194 Permitting New Connections.

Any significant industrial user proposing to begin or recommence discharging industrial wastes into the municipal wastewater system must obtain a wastewater permit prior to beginning or recommencing such discharge. In accordance with section 4.198 below, an application for this permit must be filed at least ninety (90) days prior to the anticipated startup date, or the current permit expiration date.

[Section 4.194 added by Ordinance No. 1503, passed October 17, 1994.]

4.198 Wastewater Discharge Permit Application Contents.

In order to be considered for a wastewater discharge permit, all industrial users required to have a permit must submit the following information on an application form approved by the Director:

- (1) Name, mailing address, and location (if different from the mailing address), including the name of the operator and owner;
- (2) Contact information, description of activities, facilities, and plant production processes on the premises;
- (3) Environmental control permits held by or for the facility;
- (4) Standard Industrial Classification (SIC) codes for the industry as a whole and for any processes for which categorical pretreatment standards have been promulgated;
- (5) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used at the facility which are or could accidentally or intentionally be discharged to the municipal system. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes;
- (6) Number and type of employees, hours of operation, and proposed or actual hours of operation of any pretreatment systems;
- (7) Each product by type, amount, process or processes and rate of production;
- (8) Type and amount of raw materials processed (average and maximum per day);

- (9) Site plans, floor plans and mechanical and plumbing plans and details to show all sewers, floor drains, and appurtenances by size, location and elevation, and all points of discharge;
- (10) Time and duration of each discharge;
- (11) The location for monitoring all wastes covered by the permit;
- (12) Measured average daily flow and maximum daily flow, in gallons per day, to the municipal system from regulated process streams and other streams as necessary to use the combined wastestream formula in 40 CFR 403.6(e);
- (13) Daily maximum, daily average, and monthly average wastewater flow rates, including daily, monthly and seasonable variations, if any;
- (14) Wastewater constituents and characteristics, including any pollutants in the discharge which are limited by federal, state, or local standards, and pretreatment standards applicable to each regulated process; and nature and concentration (or mass if pretreatment standard requires) of regulated pollutant in each regulated process (daily maximum and average concentration or mass when required by a pretreatment standard). Samples shall be representative of daily operations and shall be collected and analyzed in accordance with procedures specified in 40 CFR Part 136;
- (15) The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources;
- (16) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Director, of regulated pollutants in the discharge from each regulated process;
- (17) Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported;
- (18) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 4.220. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Director or the applicable Standards to determine compliance with the Standard;
- (19) Sampling must be performed in accordance with procedures set out in Section 4.250;
- (20) A statement reviewed by an authorized representative of the user and certified to by a qualified professional indicating whether or not the pretreatment standards are being met on a consistent basis, and if not, what additional O&M and/or pretreatment is necessary to meet pretreatment standards and requirements;
- (21) If additional pretreatment and/or O&M will be required to meet the standards, then the industrial user shall indicate the shortest time schedule necessary to

accomplish installation or adoption of such additional treatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

- (22) The following conditions apply to this schedule:
- (a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, beginning operation, and conducting routine operation). No increment shall exceed nine (9) months, nor shall the total compliance period exceed thirty-six (36) months;
 - (b) No later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Director including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and if appropriate, the steps being taken by the user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the Director;
- (23) Submit a spill prevention plan as defined in section 4.178.
- (24) Any other information as may be deemed by the Director to be necessary to evaluate the permit application.
- (25) Incomplete or inaccurate applications will not be processed and will be returned to the industrial user for revision.

[Section 4.198 added by Ordinance No. 1503, passed October 17, 1994.]

4.200 Application Signatories and Certification.

- (1) All permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false

information, including the possibility of fine and imprisonment for knowing violations."

[Section 4.200 added by Ordinance No. 1503, passed October 17, 1994.]

If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Director prior to or together with any reports to be signed by an Authorized Representative.

- (2) Annual Certification for Non-Significant Categorical Industrial Users. A facility determined to be a Non-Significant Categorical Industrial User by the Director pursuant to 4.154(58)(c) must annually submit the following certification statement signed in accordance with the signatory requirements in 1.4 C. This certification must accompany an alternative report required by the Director:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR _____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

(a) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in 4.154(58)(c);

(b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and

(c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information.

4.202 Wastewater Discharge Permit Decisions.

(1) The Director will evaluate the data furnished by the industrial user and may require additional information. Within sixty (60) days of receipt of a complete permit application, the Director will determine whether or not to issue a wastewater discharge permit. If no determination is made within this time period, the application will be deemed denied.

(2) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in sections 4.158 - 4.172, and which in the judgment of the Director, may have a deleterious effect upon the municipal treatment system, processes, equipment, or receiving water, or which otherwise create a hazard to life or constitute a public nuisance, the Director may take any of the following actions:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable level for discharge to the public sewers;
- (c) Require control over the quantities and rates of discharge; and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provision of sections 4.296-4.298 of this art

[Section 4.202 added by Ordinance No. 1503, passed October 17, 1994.]

4.204 Wastewater Discharge Permit Duration.

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than five (5) years, at the discretion of the Director. Each permit will indicate a specific date upon which it will expire.

[Section 4.204 added by Ordinance No. 1503, passed October 17, 1994.]

4.206 Wastewater Discharge Permit Contents.

(1) Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Director to prevent pass through or interference and to implement the objectives of sections 4.150 to 4.298.

(2) Wastewater Discharge Permits must contain the following conditions:

- (a) A statement that indicates permit issuance date, expiration date, effective date, and permit duration, which in no event shall exceed 5 years.

(b) A statement that the permit is nontransferable without prior notification to and approval from the Director and provisions for furnishing the new owner or operator with a copy of the existing permit.

(c) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards.

(d) Self monitoring, sampling, reporting, notification and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, sample type based on federal, state and local law, and requirements for submission of periodic self-monitoring or special notification reports.

(e) A statement of applicable penalties for violation of pretreatment standards and requirements, and applicable compliance schedules. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

(f) Requirements to control Slug Discharge, if determined by the Director to be necessary.

(g) Requirements for immediate reporting of any instance of noncompliance and for automatic resampling and reporting within thirty (30) days where self-monitoring indicates (a) violation(s).

(h) Requirements for immediate notification of excessive, accidental, or slug discharges, or any discharge which could cause any problems to the municipal wastewater system.

(3) Permits may contain, but need not be limited to, the following conditions:

(a) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.

(b) Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.

(c) Requirements for the installation of pretreatment technology, pollution control equipment or construction of appropriate containment devices, etc., designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.

(d) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges.

(e) Requirements for the development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the municipal wastewater system.

(f) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the municipal wastewater system.

(g) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices

(h) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.

(i) Compliance schedules for meeting pretreatment standards and requirements.

(j) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified in section 4.244 and affording the Director, or the Director's representatives, access thereto for review and/or copying.

(k) Requirements for prior notification and approval by the Director of any new introduction of wastewater pollutants or of any change in the volume or character of the wastewater prior to introduction in the system.

(l) Requirements for the prior notification and approval by the Director of any change in the manufacturing and/or pretreatment process used by the permittee.

(m) A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the permit.

(n) Other conditions as deemed appropriate by the Director to ensure compliance with sections 4.150 to 4.298 , and state and federal laws, rules, and regulations.

[Section 4.206 added by Ordinance No. 1503, passed October 17, 1994.]

4.208 Wastewater Discharge Permit Appeals.

Any person including the industrial user may petition the Director to reconsider the terms of a permit within ten (10) days of the issuance of the final permit.

(1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(2) In its petition, the appealing party must indicate the permit provisions objected to, the reasons for this objection, and the alternative conditions, if any, it seeks to place in the permit.

(3) The effectiveness of the permit shall not be stayed pending the appeal.

(4) If the Director fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a permit, not to issue a permit, or not to modify a permit shall be considered final administrative action for purposes of judicial review.

(5) Aggrieved parties seeking judicial review of the final administrative permit decision must do so by filing a complaint with the circuit court for Polk County.

[Section 4.208 added by Ordinance No. 1503, passed October 17, 1994.]

4.210 Wastewater Discharge Permit Modifications.

The Director may modify a permit for good cause including, but not limited to, the following:

(1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

(2) To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of permit issuance;

(3) A change in the municipal wastewater system that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(4) Information indicating that the permitted discharge poses a threat to the city's municipal wastewater system, city personnel, or the receiving waters;

(5) Violation of any terms or conditions of the wastewater permit;

(6) Misrepresentations or failure to fully disclose all relevant facts in the permit application or in any required reporting;

(7) To correct typographical or other errors in the permit, and/or

(8) To reflect a transfer of the facility ownership and/or operation to a new owner or operator.

(9) Revision of, or a grant of variance from, categorical pretreatment standards pursuant to 40 CFR 403.13.

The filing of a request by the permittee for a permit modification does not stay any permit condition.

[Section 4.210 added by Ordinance No. 1503, passed October 17, 1994.]

4.212 Wastewater Discharge Permit Transfer.

(1) Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator with prior approval of the Director if the permittee gives at least thirty (30) days advance notice to the Director. The notice must include a written certification by the new owner and/or operator which:

(a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

(b) Identifies the specific date on which the transfer is to occur; and

(c) Acknowledges full responsibility for complying with the existing permit.

(2) Failure to provide advance notice of a transfer renders the wastewater permit void on the date of facility transfer.

[Section 4.212 added by Ordinance No. 1503, passed October 17, 1994.]

4.214 Wastewater Discharge Permit Revocation.

(1) Wastewater discharge permits may be revoked for good cause, including, but not limited to the following reasons:

(a) Failure to notify the Director of significant changes to the wastewater prior to the changed discharge;

(b) Failure to provide prior notification to the Director of changed conditions pursuant to section 4.228;

(c) Misrepresentation of, or failure to fully disclose all relevant facts in, the wastewater discharge permit application;

(d) Falsifying self-monitoring reports;

(e) Tampering with monitoring equipment;

(f) Refusing to allow the city timely access to the facility premises and records;

(g) Failure to meet effluent limitations;

(h) Failure to pay fines;

(i) Failure to pay sewer charges;

(j) Failure to meet compliance schedules;

(k) Failure to complete a wastewater survey or wastewater discharge permit application;

(l) Failure to provide advance notice of the transfer of a permitted facility;
and/or

(m) Violation of any pretreatment standard or requirement or any terms of a wastewater discharge permit or sections 4.150 to 4.298.

(2) Permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

[Section 4.214 added by Ordinance No. 1503, passed October 17, 1994.]

4.216 Wastewater Discharge Permit Reissuance.

A significant industrial user shall apply for permit reissuance by submitting a complete permit application in accordance with section 4.198 a minimum of ninety (90) days prior to the expiration of the user's existing permit.

[Section 4.216 added by Ordinance No. 1503, passed October 17, 1994.]

4.218 Regulation of Wastewater Received From Other Jurisdictions.

If another municipality, or user(s) located within another municipality of jurisdiction, contribute(s) wastewater to the municipal wastewater system, the city shall enter into an intermunicipal or interjurisdictional agreement with the contributing municipality or jurisdiction, or enter into a contract with the user(s), in accordance with requirements specified in the city's pretreatment procedures.

[Section 4.218 added by Ordinance No. 1503, passed October 17, 1994.]

4.220 Baseline Monitoring Reports.

(1) Within 180 days after the effective date of a categorical pretreatment standard, or 180 days after the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to the municipal system shall be required to submit to the Director a report which contains the information listed in paragraph 2, below. At least ninety (90) days prior to commencement of their discharge, new sources, including existing users which have changed their operation or processes so as to become new sources, and other sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the Director a report which contains the information listed in paragraph 2. A new source shall also be required to report the

method of pretreatment, or other method, it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

(2) The information required by this section includes:

(a) Identifying Information. The user shall submit the name and address of the facility including the name of the operator and owners;

(b) Permits. The user shall submit a list of any environmental control permits held by or for the facility;

(c) Description of Operations. The user shall submit a brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the municipal wastewater system from the regulated processes.

(d) Flow Measurement. The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the system from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

(e) Measurement of Pollutants.

(i) The industrial user shall identify the categorical pretreatment standards applicable to each regulated process;

(ii) In addition, unless otherwise specified by the Director in the permit, the industrial user shall submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standards or the city of regulated pollutants in the discharge from each regulated process (wastewater survey). Instantaneous, daily maximum and long term average concentrations (or mass, where required) shall be reported. Samples shall be representative of daily operations and shall be collected and analyzed in accordance with procedures set out in 40 CFR Part 136.

(iii) A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. All other pollutants will be measured by composite samples obtained through flow proportional sampling techniques. If flow proportional composite sampling is not feasible, samples may be obtained through time proportional sampling techniques or through four (4) grab samples if the user proves such samples will be representative of the discharge.

(iv) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

(v) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined

wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;

- (vi) The Director may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
- (vii) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

(f) Special Certification. A statement, reviewed by an authorized representative of the industrial user and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements; and

(g) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the industrial user will provide the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M is met. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in section 4.198(14) .

(h) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with section 4.200.

[Section 4.220 added by Ordinance No. 1503, passed October 17, 1994.]

4.222 Compliance Schedule Progress Reports.

The following conditions shall apply to the compliance schedule required by section 4.220(2)(g) :

(1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(2) No increment referred to above shall exceed nine (9) months;

(3) The industrial user shall submit a progress report to the Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for the delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

(4) In no event shall more than nine (9) months elapse between such progress reports to the Director.

[Section 4.222 added by Ordinance No. 1503, passed October 17, 1994.]

4.224 90-Day Compliance Reports.

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or, in the case of a new source, following commencement of the introduction of wastewater into the municipal wastewater system, any industrial user subject to such pretreatment standards and requirements shall submit to the Director a report containing the information described in section 4.220(2)(d-f) . For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with section 4.200 .

[Section 4.224 added by Ordinance No. 1503, passed October 17, 1994.]

4.226 Periodic Compliance Reports.

(1) Except as specified in 4.226(4), any significant industrial users shall, at a frequency determined by the Director but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards, and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Director or the Pretreatment Standard necessary to determine the compliance status of the User. All periodic compliance reports must be signed and certified in accordance with section 4.200.

(2) All wastewater samples must be representative of the industrial user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, calibrated, kept clean, and maintained in good working order at all times. The

failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of Its discharge.

(3) In the event an industrial user's monitoring results indicate a violation has occurred, the industrial user must immediately (within 24 hours of becoming aware of the violation) notify the Director and resample its discharge. The industrial user must report the results of the repeated sampling within thirty (30) Days of discovering the first violation.

(4) The Director may reduce the requirement for periodic compliance reports to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the Approval Authority, where the Industrial User's total categorical wastewater flow does not exceed any of the following:

- (a) 0.01 percent of the POTW's design dry-weather hydraulic capacity of the POTW, or five thousand (5,000) gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches]
- (b) 0.01 percent of the design dry-weather organic treatment capacity of the POTW; and
- (c) 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical Pretreatment Standard for which approved Local Limits were developed in accordance with Section 4.164.

Reduced reporting is not available to Industrial Users that have in the last two (2) years been in Significant Noncompliance, as defined in Section 4.256. In addition, reduced reporting is not available to an Industrial User with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the Director, decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

(4) All periodic compliance reports must be signed and certified in accordance with Section 4.200(1).

(5) All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

(6) If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by

the Director, using the procedures prescribed in Section 4.250, the results of this monitoring shall be included in the report.

[Section 4.226 added by Ordinance No. 1503, passed October 17, 1994.]

4.228 Reports of Changed Conditions.

Each industrial user is required to notify the city of any planned significant changes to the industrial user's operations or pretreatment systems which might alter the nature, quality or volume of its wastewater, at least thirty (30) days prior to the change.

(1) The Director may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater permit application under section 4.198, if necessary.

(2) The Director may issue a wastewater permit under section 4.202 or modify an existing wastewater permit under section 4.210.

(3) No industrial user shall implement the planned changed condition(s) until and unless the Director has responded to the industrial user's notice.

(4) For purposes of this requirement, flow increases of twenty (20%) or greater, the discharge of any previously unreported pollutant, or a change in the listed or characteristic hazardous wastes for which the user has submitted initial notification under 40 CFR 403.12 (p), shall be deemed significant.

[Section 4.228 added by Ordinance No. 1503, passed October 17, 1994.]

4.230 Reports of Potential Problems.

Each industrial user shall provide protection from accidental and/or slug loads, or intentional discharges of prohibited materials or other substances regulated by sections 4.150 to 4.298. Facilities to prevent the discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Director for review and shall be approved by the Director before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of sections 4.150 to 4.298.

(1) No industrial user which commences discharge to the municipal wastewater system after the effective date of this ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Director.

(2) In the case of an accidental or other discharge which may cause potential problems for the municipal wastewater system, it is the responsibility of the user to

immediately telephone and notify the Director of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(3) Within five (5) days following an accidental discharge, the user shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the municipal wastewater system, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed by sections 4.150 to 4.298 .

(4) Failure to notify the Director of potential problem discharges shall be deemed a separate violation of sections 4.150 to 4.298.

(5) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph 2, above. Employers shall ensure that all employees who may cause or suffer such a discharge to occur are advised of the emergency notification procedure.

(6) Significant Industrial Users are required to notify the Director immediately of any changes at its facility affecting the potential for a Slug Discharge.

[Section 4.230 added by Ordinance No. 1503, passed October 17, 1994.]

4.232 Reports from Unpermitted Industrial Users.

All industrial users not subject to categorical pretreatment standards and not required to obtain a wastewater discharge permit shall provide appropriate reports to the Director as the Director may require.

[Section 4.232 added by Ordinance No. 1503, passed October 17, 1994.]

4.234 Reporting of Additional Monitoring.

If an industrial user subject to the reporting requirements of 40 CFR 403.12 (e) or (h), which requires submission of periodic compliance reports, monitors any pollutant more frequently than required by the Director, using the procedures prescribed in 40 CFR Part 136, and the monitoring indicates a violation, the user must notify the Director within twenty-four (24) hours of becoming aware of the violation and the results of this monitoring shall be included in the report." Also, federal regulation 40 CFR 403.12(9) (5) requires all industrial users that are subject to federal categorical standards and monitor any pollutant more frequently than required by the Director using sampling and analytical methods in 40 CFR 136 to report the results of the monitoring.

[Section 4.234 added by Ordinance No. 1503, passed October 17, 1994.]

4.236 Notification of the Discharge of Hazardous Waste.

(1) No user shall discharge of hazardous waste without notification in writing and approval of the Director of any discharge into the municipal wastewater system of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge number, (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the municipal wastewater system, the notification shall also be in writing to the EPA Regional Waste Management Division Director, and DEQ Hazardous and Solid Waste Division Director and shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under section 4.228. The notification requirement in this section does not apply to pollutants already reported by industrial users subject to categorical pretreatment standards under the self-monitoring requirements of sections 4.220, 4.224, and 4.226.

(2) Dischargers are exempt from the requirements of paragraph (1) above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30 (d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more such quantities of hazardous waste do not require additional notification unless required by the Director.

(3) In the case of any new regulations under section 3001 of the RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Director, the EPA Regional Waste Management Division Director, and DEQ Solid and Hazardous Waste Division Director, of the discharge of such substance(s) within ninety (90) days of the effective date of such regulations.

(4) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(5) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by sections 4.150 to 4.298, a permit issued hereunder, or any applicable federal or state law.

[Section 4.236 added by Ordinance No. 1503, passed October 17, 1994.]

4.238 Notification of Significant Production Change.

An industrial user operating under a waste discharge permit incorporating equivalent mass or concentration limits calculated from a production based standard shall notify the Director within (2) business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the Director of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

[Section 4.238 added by Ordinance No. 1503, passed October 17, 1994.]

4.240 Timing.

Written reports will be deemed to have been transmitted at the time of deposit, postage prepaid, into a mail facility services of the United States Postal Services. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

[Section 4.240 added by Ordinance No. 1503, passed October 17, 1994.]

4.242 Record Keeping.

Industrial users subject to the reporting requirements of sections 4.150 to 4.298 shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by sections 4.150 to 4.298, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 4.164(3) and all records and information required to be retained under 40 CFR 403.12(o). Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning compliance with sections 4.150 to 4.298, or where

the industrial user has been specifically notified of a longer retention period requirement by the city, DEQ or EPA.

[Section 4.242 added by Ordinance No. 1503, passed October 17, 1994.]

4.244 Right of Entry: Inspection and Sampling.

The city shall have the right to enter the facilities of any industrial user to determine whether the industrial user is complying with all requirements of sections 4.150 to 4.298, its wastewater permit or any order issued here under, if applicable. Industrial users shall allow the city or its representatives ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(1) Where an industrial user has security measures in force which require proper identification and clearance before entry into their premises, the industrial user shall make necessary arrangements with its security guards so that, upon presentation of suitable identifications, personnel from the city, the state, and U.S. EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(2) The city shall have the right to set up or require installation of, on the industrial user's property, such devices as are necessary to conduct sampling, and/or metering of the user's operations.

(3) The city may require the industrial user to install monitoring equipment, as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the industrial user at the industrial user's expense. All devices used to measure wastewater flow and quality shall be calibrated periodically to ensure their accuracy.

(4) Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or verbal request of the city and shall not be replaced. The costs of clearing such access shall be borne by the industrial user.

(5) Unreasonable delays in allowing city personnel access to the industrial user's premises shall be a violation of sections 4.150 to 4.298 .

[Section 4.244 added by Ordinance No. 1503, passed October 17, 1994.]

4.246 Search Warrants.

If the city has been refused access to a building, structure or property, or any part thereof, and if the city has probable causes to believe that there may be a violation of sections 4.150 to 4.298, or that there is a need to perform an inspection and/or sample as part of a routine inspection and sampling program of the city designed to verify compliance with sections 4.150 to 4.298 or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the city, through the city's attorney, may seek issuance of a search warrant from the Dallas Municipal Court.

[Section 4.246 added by Ordinance No. 1503, passed October 17, 1994.]

4.248 Analytical Requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Director or other parties approved by EPA.

[Section 4.248 added by Ordinance No. 1503, passed October 17, 1994.]

4.250 Sample Collection.

(1) Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(2) Except as indicated in Sections (3) and (4) below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Director. Where time-proportional composite sampling or grab sampling is authorized by the Director, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other

parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Director, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

(3) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 4.220 and 4.224 a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Director may authorize a lower minimum. For the reports required by paragraphs Section 4.226, the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

[Section 4.250 added by Ordinance No. 1503, passed October 17, 1994.]

4.252 Resampling Requirements for Self-Monitoring Violations.

If sampling performed by a User indicates a violation, the User must notify the Director within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the city performs sampling at the User's facility at least once a month, or if the city performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the city receives the results of this sampling, or if the city has performed the sampling and analysis in lieu of the Industrial User.

4.254 Confidential Information.

Information and data on an industrial user obtained from reports, questionnaires, permit applications, permits, and monitoring programs, and from city inspection and sampling activities shall be available to the public without restriction unless the industrial user specifically requests and is able to demonstrate to the satisfaction of the Director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable state laws.

(1) Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

(2) When requested and demonstrated by the industrial user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available immediately upon request to governmental agencies for uses related to sections 4.150 to 4.298, the National Pollutant Discharge Elimination System (NPDES) program, and in enforcement proceedings involving the person furnishing the report.

[Section 4.254 added by Ordinance No. 1503, passed October 17, 1994.]

4.256 Publication of Users in Significant Noncompliance.

The city shall annually publish, in the largest daily newspaper circulated in the area where the municipal wastewater system is located, a list of the industrial users which, during the previous 12 months, were in significant noncompliance (SNC) with applicable pretreatment standards and requirements. The term Significant Noncompliance shall be applicable to Significant Industrial Users that meet the requirements of any paragraph (1) through (8) in this section (or to any other Industrial User that violates paragraphs (3), (4) or (8) of this Section):

(1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 4.154.

(2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH).

(3) Any other violation of a Pretreatment Standard or Requirement as defined by Section 4.154 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Director determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public.

- (4) Any discharge of pollutants that have caused imminent endangerment to the public or to the environment, or have resulted in the city's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; and/or
- (8) Any other violation(s) which may include a violation of Best Management Practices, which the Director determines will adversely affect the operation or implementation of the local pretreatment program, or for which the Director believes is (are) significant.

[Section 4.256 added by Ordinance No. 1503, passed October 17, 1994.]

4.258 Notification of Violation.

Whenever the city finds that any industrial user has violated or is violating sections 4.150 to 4.298, a wastewater permit or order issued hereunder, or any other pretreatment standard or requirement, the Director or the Director's agent may serve upon said user a written Notice of Violation. Within 10 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the city to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

[Section 4.258 added by Ordinance No. 1503, passed October 17, 1994.]

4.260 Consent Orders.

The city is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any industrial user responsible for noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as administrative orders issued pursuant to sections 4.264 and 4.266 and shall be judicially enforceable.

[Section 4.260 added by Ordinance No. 1503, passed October 17, 1994.]

4.262 Show Cause Hearing.

The city may order any industrial user which causes or contributes to (a) violation(s) of sections 4.150 to 4.298, wastewater permits or orders issued hereunder, or any other pretreatment standard or requirement, to appear before the city and show cause why a proposed enforcement action should not be taken. Notice shall be served on the industrial user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the industrial user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the industrial user.

[Section 4.262 added by Ordinance No. 1503, passed October 17, 1994.]

4.264 Compliance Orders.

When the Director finds that an industrial user has violated or continues to violate sections 4.150 to 4.298, permits or orders issued hereunder, or any other pretreatment standard or requirement, the Director may issue a Compliance Order to the industrial user responsible for the discharge directing that the industrial user come into compliance within a specified time. If the industrial user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including additional self monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. The Director may also continue to require such additional self-monitoring for at least ninety (90) days after consistent compliance has been achieved, after which time the self-monitoring conditions in the discharge permit shall control. A Compliance Order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a Compliance Order relieve the industrial user of liability for any violation, including any continuing violation. Issuance of a Compliance Order shall not be a bar against, or a prerequisite for, taking any other action against the industrial user.

[Section 4.264 added by Ordinance No. 1503, passed October 17, 1994.]

4.266 Cease and Desist Orders.

When the Director finds that an industrial user has violated or continues to violate sections 4.150 to 4.298, wastewater permits or order issued hereunder, or any other pretreatment standard or requirement, the Director may issue a Cease and Desist Order to the industrial user directing it to cease and desist all such violations and directing the industrial user to:

- (1) Immediately comply with all requirements; and
- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.
- (3) Issuance of a Cease and Desist Order shall not be a bar against, or a prerequisite for, taking any other action against the industrial user.

[Section 4.266 added by Ordinance No. 1503, passed October 17, 1994.]

4.268 Administrative Fines.

If the Director determines that a user has violated, or continues to violate sections 4.150 to 4.298, a wastewater permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may issue an administrative fine to said user. The City Council may, by resolution, adopt a schedule of graduated penalties based on the nature, length and frequency of noncompliance. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation. The Director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

- (1) Assessments may be added to the user's next scheduled sewer service charge and the city shall have such other collection remedies as may be available for other service charges and fees.
- (2) Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of twenty percent (20%) of the unpaid balance and interest shall accrue thereafter at a rate of nine percent (9%) per month. Any unpaid charges, fines and penalties, together with interest therefrom shall constitute a lien against the user's property.
- (3) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the industrial user.

[Section 4.268 added by Ordinance No. 1503, passed October 17, 1994.]

4.270 Emergency Suspensions.

The Director may immediately suspend an industrial user's discharge and the industrial user's wastewater discharge permit, after informal notice to the industrial user, whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Director may also immediately suspend an industrial user's discharge and the industrial user's wastewater discharge permit, after notice and opportunity to respond, that threatens to interfere with the operation of the municipal wastewater system, or which presents, or may present and endangerment to the environment.

(1) Any industrial user notified of a suspension of its discharge or wastewater discharge permit shall immediately stop or eliminate its contribution. In the event of an industrial user's failure to immediately comply voluntarily with the suspension order, the Director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the municipal wastewater system and/or the receiving stream, or endangerment to any individuals. The Director shall allow the industrial user to resume its discharge when the user has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings set forth in section 4.272 are initiated against the user.

(2) An industrial user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future recurrence, to the Director prior to the date of any show cause or termination hearing under sections 4.262 and 4.272.

(3) Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

[Section 4.270 added by Ordinance No. 1503, passed October 17, 1994.]

4.272 Termination of Discharge and/or Wastewater Discharge Permit.

In addition to those provisions in section 4.214, any industrial user which violates the following conditions, wastewater discharge permits, or orders issued hereunder is subject to discharge and/or wastewater discharge permit termination:

- (1) Violation of wastewater discharge permit conditions;
- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (3) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
- (4) Tampering with monitoring equipment;

(5) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling; and/or

(6) Violation of the pretreatment standards and requirements in sections 4.158 to 4.172.

Noncompliant industrial users will be notified of the proposed termination of their discharge and/or wastewater discharge permit and be offered an opportunity to show cause, under section 4.262, as to why the proposed action should not be taken. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the user.

[Section 4.272 added by Ordinance No. 1503, passed October 17, 1994.]

4.276 Appeal of Decision of the City.

A decision of the city under sections 4.264, 4.266, 4.268, 4.270, or 4.272 to take enforcement action against an industrial user may be appealed to the Dallas Municipal Court by filing a written notice of appeal with the municipal court clerk and by serving the city attorney with a true copy thereof within 10 days of the date of the city's decision. The filing of a notice of appeal shall not stay the decision of the city.

[Section 4.276 added by Ordinance No. 1503, passed October 17, 1994.]

4.277 Injunctive Relief.

When the city finds that a user has violated, or continues to violate, any provision of sections 4.150 to 4.298 , a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the city, through the city's attorney, may petition the Dallas Municipal Court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by sections 4.150 to 4.298 on activities of the user. The city may also seek such other action as may be appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

[Section 4.277 added by Ordinance No. 1503, passed October 17, 1994.]

4.278 Civil Penalties.

Any industrial user which has violated or continues to violate any requirements of sections 4.150 to 4.298 , any order or permit issued hereunder, or any other pretreatment

standard or requirement shall be liable to the city for a maximum civil penalty of \$ 1,250 per violation per day to be determined and assessed by the Dallas Municipal Court. In the case of a monthly or other long term average discharge limit, penalties shall accrue for each day during the period of this violation. For continuing violations, each day that a violation exists or occurs shall be deemed a separate violation.

(1) The city may recover reasonable attorney's fee, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.

(2) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(3) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

[Section 4.278 added by Ordinance No. 1503, passed October 17, 1994.]

4.280 Criminal Prosecution.

(1) Any industrial user who intentionally or recklessly violates any provision of sections 4.150 to 4.298, any orders or permits issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a Class C misdemeanor, punishable by a fine of not more than \$1,250 per violation, per day, or imprisonment for not more than 30 days or both. For continuing violations, each day that a violation exists or occurs shall be deemed to be a separate violation.

(2) Any industrial user who intentionally or recklessly introduces any substance into the municipal wastewater system which causes personal injury or property damage shall, upon conviction, be guilty of a Class B misdemeanor and be subject to a fine of not more than \$2500 per violation, per day, or be subject to imprisonment for not more than 6 months, or both. For continuing violations, each day that a violation exists or occurs shall be deemed to be a separate violation.

(3) Any industrial user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to sections 4.150 to 4.298, or wastewater permit or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under sections 4.150 to 4.298 shall, upon conviction, be guilty of a Class B misdemeanor and be subject to a fine of not more than \$2500 per violation, per day, or imprisonment for not more than six months, or both.

(4) In the event of a second conviction under (1), (2), or (3) above in 12 consecutive months, the user shall be guilty of a Class A misdemeanor and be subject to a fine of not

more than \$5000 per violation, per day, or imprisonment for not more than one year, or both.

[Section 4.280 added by Ordinance No. 1503, passed October 17, 1994.]

4.282 Remedies Nonexclusive.

The remedies provided for in sections 4.150 to 4.298 are not exclusive. The city may take any, all or any combination of these actions against a non-compliant industrial user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the city may take other action against any industrial user when the circumstances warrant. Further, the city is empowered to take more than one enforcement action against any non-compliant industrial user.

[Section 4.282 added by Ordinance No. 1503, passed October 17, 1994.]

4.284 Performance Bonds.

The city may decline to reissue a permit to any industrial user who has failed to comply with any provision of sections 4.150 to 4.298, any orders or a previous permit issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the city, in a sum not to exceed a value determined by the city to be necessary to achieve consistent compliance.

[Section 4.284 added by Ordinance No. 1503, passed October 17, 1994.]

4.286 Liability Insurance.

The city may decline to reissue a wastewater permit to any industrial user who has failed to comply with any provision of sections 4.150 to 4.298, any orders or a previous permit issued here under, or any other pretreatment standard or requirement, unless the industrial user first submits proof that it has obtained financial assurance sufficient to restore or repair damage to the municipal wastewater system caused by its discharge.

[Section 4.286 added by Ordinance No. 1503, passed October 17, 1994.]

4.287 Payment of Outstanding Fees and Penalties.

The Director may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of sections 4.150 to 4.298, a previous individual wastewater discharge permit or order issued hereunder.

4.288 Water Supply Severance.

Whenever an industrial user has violated or continues to violate any provision of sections 4.150 to 4.298, orders or permits issued hereunder, or any other pretreatment standard or requirement, water service to the industrial user may be severed. Service will only recommence, at the user's expense, after said user has satisfactorily demonstrated its ability to comply.

[Section 4.288 added by Ordinance No. 1503, passed October 17, 1994.]

4.289 Contractor Listing

Users which have not achieved compliance with applicable Pretreatment Standards and Requirements are not eligible to receive a contractual award for the sale of goods or services to the city. Existing contracts for the sale of goods or services to the city held by a User found to be in Significant Noncompliance with Pretreatment Standards or Requirements may be terminated at the discretion of the Director.

4.290 Public Nuisances.

Any violation of the prohibitions or effluent limitations in sections 4.150 to 4.298, permits, or orders issued hereunder, or any other pretreatment standard or requirement, is hereby declared a public nuisance and shall be corrected or abated as directed by the city or his agent. Any person(s) creating a public nuisance shall be subject to the provisions of DCC 5.500 et seq. governing such nuisance, including reimbursing the city for any costs incurred in removing, abating or remedying said nuisance.

[Section 4.290 added by Ordinance No. 1503, passed October 17, 1994.]

4.291 Informant Reward.

The city is authorized to pay up to five hundred (\$500) for information leading to the discovery of noncompliance by an industrial user. In the event that the information provided results in an administrative fine or civil penalty levied against the industrial user, the city is authorized to disperse up to ten percent (10%) of the collected fine or penalty to the informant.

[Section 4.291 added by Ordinance No. 1503, passed October 17, 1994.]

4.292 Affirmative Defense for Upset.

For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. An upset shall constitute an affirmative defense to an enforcement action brought against an industrial user for noncompliance with categorical pretreatment standards if the conditions listed below in this section are met. An industrial user who wishes to establish an affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and the user can identify the cause(s) of the upset.
- (2) The facility was at the time being operated in a prudent and workman-like manner and was in compliance with applicable operation and maintenance (O&M) procedures.
- (3) The user has submitted the following information to the Director within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):
 - (a) A description of the indirect discharge and cause(s) of noncompliance;
 - (b) The period of noncompliance, including exact dates and time, or, if not corrected, the anticipated time the noncompliance is anticipated to continue; and
 - (c) Steps being taken to reduce, eliminate and prevent recurrence of the noncompliance.
- (4) In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.
- (5) Industrial users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- (6) Industrial users shall control production of all dischargers to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

[Section 4.292 added by Ordinance No. 1503, passed October 17, 1994.]

4.293 Affirmative Defense for Violation of Prohibited Discharge Standards.

An industrial user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general and specific prohibitions in section 4.158 if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with other discharges from other sources, would cause pass through or interference and that either:

- (1) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to and during the pass through or interference; or
- (2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the city was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

[Section 4.293 added by Ordinance No. 1503, passed October 17, 1994.]

4.294 Affirmative Defense for Bypass.

The intentional diversion of wastestreams from any portion of an individual user's treatment facility shall be an affirmative defense to an enforcement action brought against the industrial user if the user can demonstrate that such a bypass was unavoidable to prevent loss of life, personal injury, or severe property damage. In order to be eligible for the affirmative defense, the industrial user must demonstrate that there was no feasible alternative to bypass and submit notice of the bypass.

- (1) For the purposes of this section:
 - (a) "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.
 - (b) "Severe property damage" means substantial physical damage to property, damage to treatment facilities which causes the facilities to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

- (2) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (3) and (4) of this section.

(3) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Director, at least ten (10) days before the date of the bypass.

(4) A user shall submit oral notice to the Director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(5) Bypass is prohibited, and the Director may take an enforcement action against a user for a bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The user submitted notices as required under paragraph (c) of this section.

(6) The Director may approve an anticipated bypass, after considering its adverse effects, if the director determines that it will meet the three conditions listed in paragraph (5) of this section. The decision of the Director is subject to appeal to the city council by filing a written notice of appeal in the office of the manager within 10 days of the date of the Director's decision.

[Section 4.294 added by Ordinance No. 1503, passed October 17, 1994.]

4.295 Surcharge Costs.

[RESERVED]

[Section 4.295 added by Ordinance No. 1503, passed October 17, 1994.]

4.296 Pretreatment Charges and Fees.

The city may by resolution adopt reasonable charges and fees for reimbursement of costs of setting up and operating the city's pretreatment program which may include:

- (1) Fees for wastewater permit applications including the cost of processing such applications;
- (2) Fees for monitoring, inspection and surveillance procedures including the cost of reviewing monitoring reports submitted by industrial users;
- (3) Fees for reviewing and responding to accidental discharge procedures and construction;
- (4) Fees for filing appeals; and
- (5) Other fees as the city may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by sections 4.150 to 4.298 and are separate from all other fees, fines and penalties chargeable by the city.
- (6) The city may recover the city's expenses incurred in collecting and analyzing samples of the industrial user's discharge by adding the costs to the industrial user's sewer charges.

[Section 4.296 added by Ordinance No. 1503, passed October 17, 1994.]

4.297 Severability.

If any provision(s) of sections 4.150 to 4.298 is (are) invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

[Section 4.297 added by Ordinance No. 1503, passed October 17, 1994.]

4.298 Conflicts.

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of the inconsistency of conflict.

[Section 4.298 added by Ordinance No. 1503, passed October 17, 1994.]

MEMORANDUM

Date: April 30, 2008
To: City Council Members
From: Mayor Fairchild
Re: April 2008 Activities

Meetings and activities attended representing the City:

April 3 12:00 p.m. – 1:00 p.m. Planning Commission Workshop.

April 4 10:00 a.m. – 1:00 p.m. League of Oregon Cities (LOC) Community Development Committee.

April 4 – 7 Hosted a member of the Rotary GSE Visiting Team from Argentina.

April 7 7:30 p.m.-9:30 p.m. City Council meeting.

April 8 7:30 p.m. to 8:30 p.m. – Planning Commission meeting.

April 9 7:00 a.m. to 8:00 a.m. – Commercial Development Committee
Distributed “If I Were Mayor” contest materials to the middle school and high school.

April 10 11:00 a.m. to 12:00 p.m. – Met with Kristen Lee, Relay for Life

April 11 10:00 a.m. to 3:00 p.m. – Oregon 150 Board of Directors meeting in Oregon City.

April 14 12:00 p.m. to 1:00 p.m. – Spoke at West Valley Hospital Volunteer Appreciation Lunch.

April 15 4:00 p.m. to 5:30 p.m. – Library Board meeting

April 17 10:00 a.m. to 12:00 p.m. – LOC Conference Planning Committee in Salem
12:00 p.m. to 1:00 p.m. – Economic Development Committee
1:30 p.m. to 2:00 p.m. – Met with Mary Crawford, Chemeketa student on City health issues

April 18 8:00 a.m. to 9:00 a.m. – West Valley Hospital Foundation.
2:00 p.m. to 3:00 p.m. – Mid-Willamette Valley Council of Government (COG) special meeting
in Salem on problems with the new ethics reporting forms.

April 21 12:00 p.m. to 1:00 p.m. – Chamber of Commerce forum.
7:30 p.m. to 9:30 p.m. – City Council meeting.

April 22 7:00 p.m. to 8:30 p.m. – Park and Recreation Board meeting.

April 24 10:00 a.m. to 1:00 p.m. – LOC Community Development Committee meeting in Salem.
5:30 p.m. to 8:30 p.m. – Council Workshop.

April 25 7:00 a.m. to 8:00 a.m. – Polk County Mayors/Managers/Commissioners breakfast in Monmouth.
8:15 a.m. to 9:15 a.m. – LOC Foundation Board conference call.
11:00 a.m. to 11:30 a.m. – Arbor Day tree planting ceremony.
12:00 p.m. to 8:00 p.m. – LOC Board of Directors meeting in Salem

- April 28 4:00 p.m. to 5:00 p.m. – COG Community Partnership Board in Salem.
 5:30 p.m. to 7:30 p.m. – Budget subcommittee meeting.
- April 29 10:00 a.m. to 11:00 a.m. – Senior Center Advisory Committee.
- April 30 10:00 a.m. to 10:30 a.m. – Met with DHS student to set up job shadow.
 12:00 p.m. to 1:00 p.m. – Family Building Blocks luncheon in Salem.

JF:eg

MEMORANDUM

Date: May 1, 2008
To: Mayor Fairchild and City Council Members
From: Council President Ken Woods, Jr.
Cc: City Manager Jerry Wyatt
Subject: Council President's April 2008 Monthly Report

April 1 11:30 – 12:00 PM
Met with City Manager Jerry Wyatt

April 3 2:30 – 3:30 PM
MWACT Steering Committee

3:30 – 6:05 PM
MWACT

April 4 11:00 – 2:10 PM
CIS Board of Trustees

April 5-20 **Vacation**

April 21 7:30 – 8:40 PM
City Council Meeting

8:40 – 10:00 PM
City & URD Budget Committees

April 24 5:30 – 7:00 PM
City Council Bond Workshop

Ken Woods

**PROCLAMATION
IN RECOGNITION OF PEACE OFFICERS' MEMORIAL DAY
AND NATIONAL POLICE WEEK**

WHEREAS, the Congress and President of the United States have designated May 15 as Peace Officers' Memorial Day, and the week in which May 15 falls as National Police Week; and

WHEREAS, the members of the Dallas Police Department play an essential role in safeguarding the rights and freedoms of the citizens of Dallas; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their police department, and that members of our police department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, the men and women of the Dallas Police Department unceasingly provide a vital public service;

NOW, THEREFORE, I, Jim Fairchild, Mayor of the City of Dallas, Oregon, call upon all citizens of Dallas and upon all patriotic, civic and educational organizations to observe the week of May 13 to 19, 2008, as Police Week with appropriate ceremonies and observances in which all of our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their community and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I further call upon all citizens of Dallas, Oregon to observe May 15, 2008, as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

IN WITNESS THEREOF, I have unto set my hand and caused the seal of the City of Dallas to be affixed this 2nd day of May, 2008.

Mayor Jim Fairchild

CITY OF DALLAS

TO: Mayor Jim Fairchild and Council Members
FROM: Jerry Wyatt, City Manager
DATE: April 30, 2008
SUBJECT: Grace Baptist Church request to dig a well

Following is a request from the pastor at Grace Baptist Church for permission to dig a well on their property at 1855 East Ellendale Avenue. The well would be used to irrigate a community garden. More information will be provided at Monday night's meeting.



April 16, 2008

Attn: Jerry Wyatt
187 S.E. Court Street
Dallas, Oregon 97338

Re: Well Water for Community Garden

To Whom It May Concern:

At Grace Baptist Church we are committed to serving the hungry in Dallas and have pledged our time and resources to grow in excess of 1,000 pounds of produce for the Marion Polk County Food Share. We have allocated roughly 80 X 150 feet for gardening, and perhaps could expand this effort in coming years. (See attached article from I/0)

To assist us in this effort, we request the City of Dallas consider one of two things:

1. Please grant us permission to dig a well on our property that will provide water for this garden. This water supply would remain separate from the Church's city water supply and used only for irrigation purposes. Our neighbors to the east and west of the property use existing wells and have communicated that we need to dig roughly 30 feet to find water. Water would be pumped up from the property—then poured on top of the property to help raise a crop for the hungry. (One contractor has offered to dig this well for us at no charge if you will permit it.)

2. In the event that a well is not feasible, we request that the City of Dallas supply the water for the community garden as you have been doing at its present location near the Aquatic Center. This would require a separate meter installed as was done at the other garden, and you could assign it to Marion Polk Food Share as you did there to avoid controversy stemming from separation of church and state. Marion Polk Food Share is in agreement with this and they are planning to support this new garden which possesses a better location and soil. (Last year their total production amounted to 958 pounds. We hope to exceed that amount.)

Thank you for your time in considering this matter. We look forward to your answer.

Sincerely,

Pastor Russ Hilsinger
Grace Baptist Church

Cc: PJ Johnson, Dallas Resource Center,
Jordan Blake, Marion Polk Food Share
Sue Lamb, Community Garden Supporter

CITY OF DALLAS

TO: Mayor Jim Fairchild and City Council Members
FROM: Jerry Wyatt, City Manager
DATE: April 30, 2008
SUBJECT: Fire & Senior Center Bond Proposal

SENIOR CENTER

RECOMMENDED ACTION: Set a Public Hearing to discuss the submission to the electors of the City a general obligation bond for the purposes of constructing a Senior Center/Community Building. Also, I am requesting that the City Council authorize the City Manager to distribute information and assist in the organization of the citizen group for campaign activities.

BACKGROUND: City Staff recently met with the Senior Advisory Committee and discussed a name change to "Community Center." In that meeting, we reviewed CDBG allocation restrictions, who will assume maintenance responsibility, and the Bond amount. Based upon the restriction for obtaining CDBG funds, I am recommending that if the Council decides to move forward to fund the entire amount of \$2.85 million for a Community Building of which the Seniors will be the guardians, to begin the process starting with scheduling the public hearing. In Exhibit A, attached, you will find costs for utilities and maintenance at other Senior Centers in the area.

FIRE

RECOMMENDED ACTION: Set a Public Hearing to discuss the submission to the electors of the City a general obligation bond for the purposes of purchasing two ambulances, replacing the 1978 reserve engine, constructing an addition and making upgrades the Dallas Fire Station, and to expand and improve the Dallas Fire Training Facility for \$6,851,000. Also, I am requesting that the City Council authorize the City Manager to distribute information and assist in the organization of the citizens group for campaign activities.

BACKGROUND: Included is Exhibit B, which reviews the options and their associated costs that Fire Chief Bill Hahn originally discussed in the Council workshop. I am recommending that if the Council decides to move forward with the bond for all of the above project proposals, that we go with Option 2b.

General Information:

In response to a question presented earlier, the City's legal debt margin is \$15,699,244.

Exhibit A

Size (sq ft)	Utilities				Maintenance	Notes
	Gas	Electric	Water	Sewer		
Wilsonville 8,716 sq ft	\$124,800					This is a mixed-use facility. Because it was funded w/ CDBG, it's exclusive senior use from 8-5. (Mixed use does not work!) Operating budget last year was \$724,600. This year it increased 14% to \$849,400, as the costs for utilities are now becoming their responsibility.
McMinnville	Waiting for reply					
West Linn 3,500 sq ft	\$13,500 per year				Equipment Repair (HVAC, etc.)= \$2,000; Facility Repair (touch-up paint, etc.) = \$2,500; Janitorial = \$9,000; Maintenance Supplies = \$3,600; Alarm Service = \$600	
Sandy	Waiting for reply					
Canby 10,000 sq ft	Waiting for response on utility information				City has deferred maintenance for several years. They have offered the deed to the building for \$1, but the deferred maintenance (new roof, siding, etc.) comes to \$400,000.	Building is owned by the city & land is the school districts. Repairs are completed by the City.

OPTION #1

2 Medic Units	500,000
Station Facility	3,339,016
Training Site	<u>3,784,661</u>
	\$7,623,667

“Uncut First Estimate” by Sherwood Architects

OPTION #2a

2 Medic Units	445,000
Training Site	3,128,796
Station Facility	<u>3,037,645</u>
	\$6,611,441

Cutting:
 Training Shed / Vent Prop
 Debriefing Shelters (3)
 Physical Training Room
 Fire Display Area

OPTION #3

2 Medic Units	445,000
Training Site	3,128,796
2 Engines	700,000
Rescue Unit	<u>400,000</u>
	\$4,673,796

2017 – Scheduled for engines/rescue replacement

OPTION #4

2 Medic Units	445,000
Training Site	<u>3,128,796</u>
	\$3,573,796 Ten-Year Maximum Bond

2018 Bond

Remodel Main Station	5,008,524
Build Sub-stations	7,000,000
Purchase 2 Engines	1,050,000
Purchase Rescue	<u>600,000</u>
	\$13,658,524

<u>OPTION #2b</u>	
2 Medic Units	445,000
Training Site	3,378,000
Station Facility	<u>3,151,000</u>
	\$6,974,000
Including: Fire Display Area Replace Reserve Engine (1978)	
Cutting: Debriefing Shelters (3) Physical Training Room Training Shed / Vent Prop	

Public Works Staff Report

May 1, 2008

RE: ODOT Main Street @ Washington Signal Replacement Project

Recommendation:

Receive Information.

Background:

The City was notified in 2005 that ODOT would be replacing the subject signal. A number of design issues have been previously discussed, including bulb outs, right turn channelization, and ornamental signal standards.

ODOT analysis of the intersection truck turning requirements indicated that bulb-outs were not feasible, except at the Northeast corner on Main Street. Additionally, an increase in the curb radius at the Northwest corner would be required to accommodate the turning movements. Furthermore, a right turn lane could not be added on southbound Main Street without a significant take of right of way and the elimination of parking on Main Street. Per the City's request, ODOT has incorporated ornamental signal standards into the design. In 2006, the City Council approved night work for portions of the project in order to minimize traffic disruption.

The project is currently out to bid. Bids will be opened in early May (see attached e-mail from ODOT) and a contract will be awarded approximately June. Construction is scheduled beginning late June and will last for approximately 2 months. In order to expedite construction ODOT has pre-ordered the signal poles and equipment for the project.

From: FOX Alan J" <Alan.J.FOX@odot.state.or.us>
Sent: Thursday, May 01, 2008 8:40 AM
To: FRED BRAUN
Subject: Re: FW: Executed Amendment 1 - Contract 26757

Hi Fred,

The project has been out to bid with the bid opening scheduled for April 24th. We ran into a problem however when it was discovered that our office that handles bid letting inadvertently placed the project in a cost range that was too high. This was potentially very confusing to bidders so the error was corrected and the bid opening delayed two weeks to May 8th. I'll be attending the bid opening and I'll let you know the results that morning.

Assuming the low bid is successfully validated, it usually takes about 4-6 weeks to get a contract signed and a notice to proceed issued. When that occurs, the leadership of the project gets turned over to our construction project manager, Shane Ottosen.

Once a contractor is on board, we will have a preconstruction conference which you are welcome to attend. In fact, I encourage you to attend it. At that time the contractor will present the project schedule. At a minimum, we expect the project to be completed by the end of the construction season. We purchased the signal poles in advance to ensure that. I'm hoping the actual schedule will be more aggressive than that.

Please let me know if you or a representative plan to attend the precon and I'll see that you get notified.

Alan J. Fox
Project Leader
ODOT Region 2
Area 3 (Mid-Willamette Valley)
885 Airport Rd. SE, Bldg. P
Salem, OR 97301-4788

DALLAS AQUATIC CENTER

City Manager Jerry Wyatt
Director Jason Locke

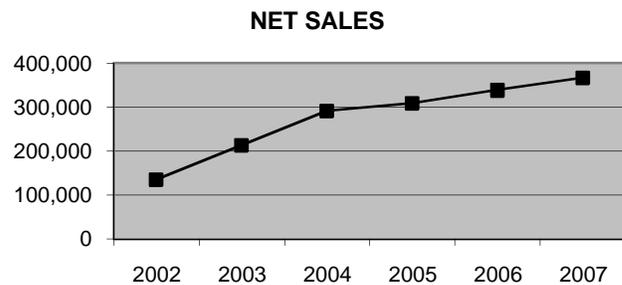
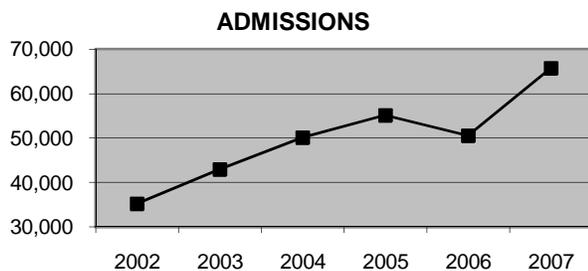
Supervisor Tina Paul

March 2008 Monthly Report

ACTIVITIES

March	2008		2007		2006		2005	
Item	Units	Net Sales	Units	Net Sales	Units	Net Sales	Units	Net Sales
Admission	8,031	\$ 24,672	6,724	\$ 23,439	6,733	\$ 19,430	5,767	\$ 17,542
Annual Membership Passes	14	\$ 3,337	18	\$ 4,177	4	\$ 2,038	8	\$ 3,650
Annual Pass W Ex	-	\$ -	-	\$ -	-	\$ -	-	\$ -
Coupon Books (All types)	54	\$ -	54	\$ 3,549	41	\$ 2,463	59	\$ 3,500
Water Aerobic Passes	31	\$ 3,172	31	\$ 1,730	40	\$ 1,878	56	\$ 2,655
Gift Certificates	6	\$ 1,586	1	\$ 25	1	\$ 43	8	\$ 206
Pro Shop	236	\$ 100	235	\$ 2,429	180	\$ 1,428	207	\$ 1,871
Concessions	4,593	\$ 1,747	4,235	\$ 4,250	3,208	\$ 3,029	2,993	\$ 2,772
Pass Redemption	883	\$ 4,480	767	\$ -	631	\$ -	759	\$ -
Middle School	-	\$ -	133	\$ 3,480	-	\$ 285	35	\$ 345
Special Events	25	\$ 56	29	\$ 77	-	\$ -	-	\$ -
Total Net Sales		\$ 39,150		\$ 43,156		\$ 30,594		\$ 32,541
Difference:		\$ (4,006)						

ADMISSION AND NET SALES



FISCAL YEAR NET SALES

	2008	2007	2006	2005	2004	2003
July	-	\$ 45,789	\$ 40,745	\$ 36,149	\$ 39,272	\$ 32,626
August	-	\$ 37,366	\$ 34,487	\$ 36,455	\$ 34,704	26,093
September	-	\$ 20,160	\$ 23,429	\$ 20,497	\$ 17,603	9,161
October		\$ 22,258	\$ 20,678	\$ 19,655	\$ 19,303	17,941
November		\$ 22,679	\$ 19,957	\$ 17,332	\$ 17,235	18,419
December		\$ 22,906	\$ 27,189	\$ 16,804	\$ 19,271	13,718
	2009	2008	2007	2006	2005	2004
January		\$ 37,752	\$ 29,407	\$ 26,019	\$ 25,551	19,224
February		\$ 24,440	\$ 30,277	\$ 27,321	\$ 25,304	22,533
March		\$ 39,150	\$ 43,156	\$ 30,594	\$ 32,541	29,149
April		\$ -	\$ 26,709	\$ 27,095	\$ 26,937	22,714
May		\$ -	\$ 31,186	\$ 26,172	\$ 22,775	20,053
June		\$ -	\$ 34,936	\$ 35,007	\$ 29,428	30,179
Fiscal Year Total:		\$ 272,500	\$ 362,156	\$ 319,100	\$ 309,924	\$ 261,810

COMMUNITY DEVELOPMENT

City Manager Jerry Wyatt
Director Jason Locke
Secretary Laurie Roberts
Building & Grounds Ken Stoller

Building Official Ted Cuno
Building Inspector
 Troy Skinner

Commercial Area Redevelopment Manager
 John Swanson

March 2008 Monthly Report

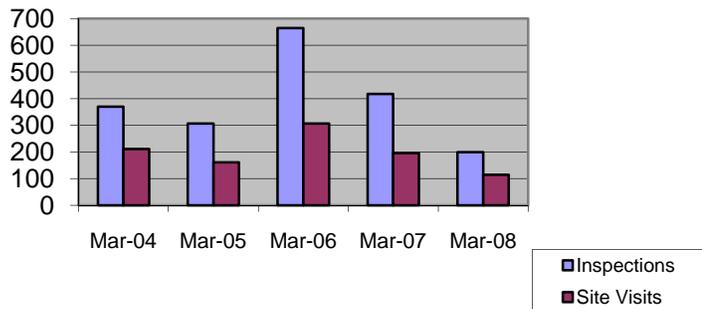
LAND USE APPLICATIONS

	Signs	Home Occupations	Conditional Uses	Variances	Partitions/ Replats	Subdivisions	Street Plans	Annexations	Zone Changes
Mar-08	0	0	0	0	1	0	0	0	1
YTD 2008	0	1	0	1	1	0	0	0	1
Mar-07	1	0	0	4	1	0	0	0	0
Total 2007	15	5	5	19	9	4	0	1	7

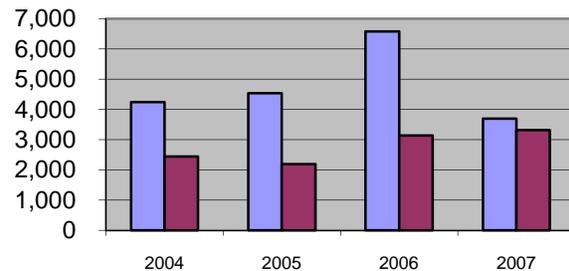
INSPECTIONS AND SITE VISITS

March Inspections: 199 Site Visits: 115	Year to Date Inspections: 698 Site Visits: 372
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**Inspections and Site Visits
Historically in March**



**Inspections and Site Visits
Annually**



BUILDING PERMIT SUMMARY

Permit Use	March 2008	March 2007	YTD Total 2008	Annual Total 2007	YTD Valuation 2008	Annual Valuation 2007
New Single Family	4	5	12	71	\$2,304,018	\$27,817,118
New Duplexes	0	0	0	0	0	1,014,008
New Multi Family	0	0	0	1	0	7,252,179
Residential Remodel	4	2	17	47	441,594	1,179,230
Residential Accessory Bldg.	0	3	0	21	0	242,455
New Commercial	1	2	4	12	572,790	183,242
Commercial Remodel	1	2	9	34	135,550	1,560,685
New Industrial	0	0	0	0	0	0
Industrial Remodel	0	0	0	0	0	67,323
Public Bldg.	1	0	1	10	9,400	59,440
Mobile Home Accessory	0	0	0	1	0	9,136
Misc. / No Fee Permits	0	0	0	0	0	0
Total All Categories	11	14	43	197	\$3,463,352	\$39,384,816

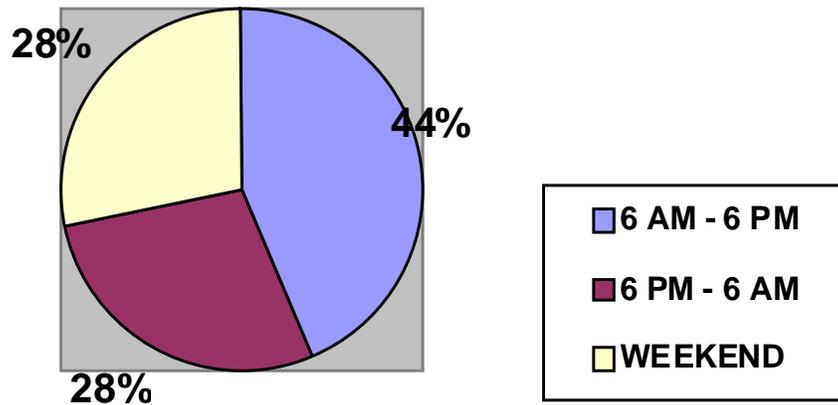
COUNCIL REPORT – MARCH 2008

To: Mayor & City Council Members

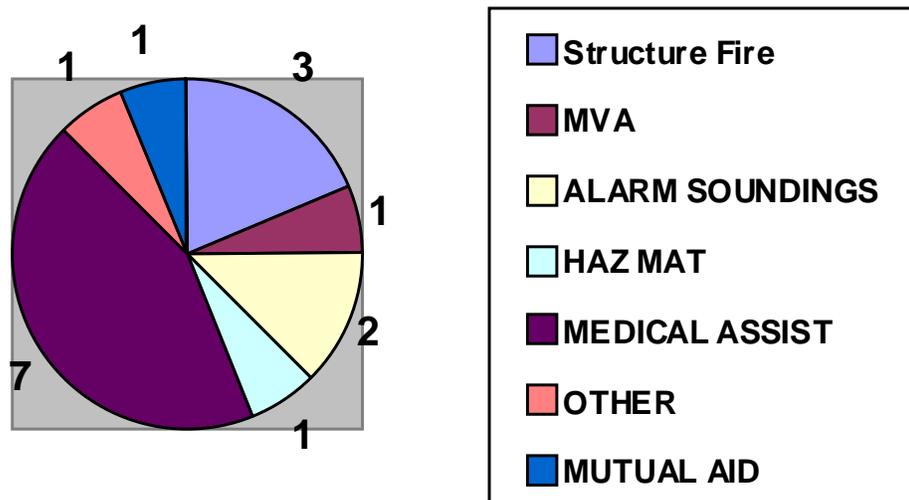
From: Fire Chief

Dallas Fire Department:

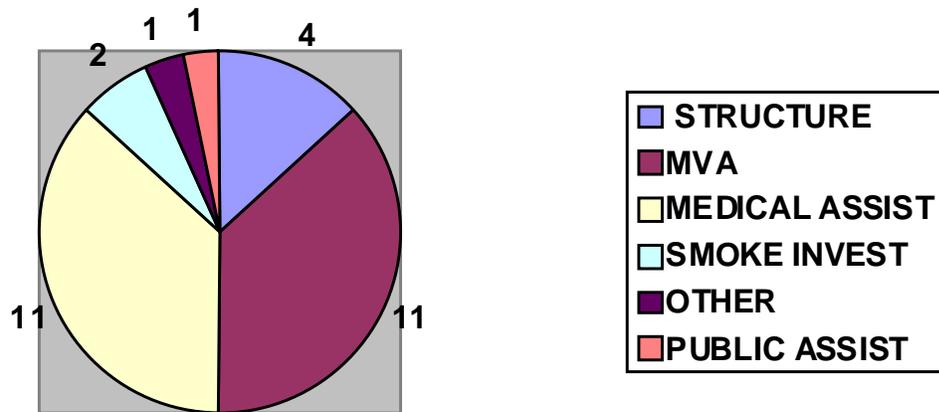
Station 100 responded to 46 calls of which 20 were between 6 AM – 6 PM, 13 between 6 PM – 6 AM and 13 during the weekend.



City Responded to the following incidents during the month from station 100.



Rural responses by Station 110 during the month were for the following incidents:



The inspection program is again fully operational, with staff completing Mill Valley Square. Sean is working with the Deputy State Fire Marshal for our area, and they are scheduled to complete inspections of all of the schools and assembly buildings such as churches.

Hughes Fire Equipment from Eugene completed a service recall on the Ladder Truck; they upgraded the front suspension and installed a cab lift cylinder retention plate.

Dallas Emergency Medical Service:

Dallas Medics responded to 175 calls for assistance during March, compared to 194 in March of 2007. Of the patients we contacted, 81% were transported to the hospital. Total calls for the year of 2008 stand at 544, which compares to 549 during 2007.

Patient census for all hospitals has been high, both West Valley and Salem Hospitals have been on divert twice during March. This results in transports being longer, as we must transport to Corvallis or McMinnville.

Blue prints are being developed for a new medic unit, which will be leased.

MEMORANDUM

To: Jerry Wyatt, City Manager
From: Donna Zehner, Library Director
Re: Monthly Report, March 2008
Date: April 24, 2008

The month of March found 1082 patrons using the Library's Internet workstations. This service continues to be quite popular with our patrons. For those needing assistance in learning to use the Internet, arrangements will be made for volunteers and interested students to meet one-on-one.

The month of March found the Children's Room lively and active, as the Spring sessions of both Infant/Toddler and Preschool Storytimes continue. Storytime attendance brought in 174 young people, to see and hear stories, while an additional 49 youngsters from a local preschool/daycare all had the opportunity to learn about books and the library. Spring Break was an active week, with 177 young people participating in these fun events. A total of 400 young people participated in Library activities.

The EBSCO full-text periodical database continues to be a popular resource, with patrons finding it easy to use. With school in session, students are finding this user-friendly, multi-use database of benefit to their research. A total of 27 searches were conducted this past month.

The Reference Desk remains active, with a total of 1430 questions being answered this month. Working on a variety of projects, our volunteers donated a total of 257.5 hours during the month of March.

**Dallas Public Library
Monthly Report for March 2008**

CIRCULATION STATISTICS

ADULT	March 2008	March 2007	Year to Date 2008
Non-Fiction	1750	1806	5059
Fiction	2721	2994	8386
New Books	2085	2368	6297
Paperbacks	1165	1059	3327
Periodicals	310	640	775
Sound Recordings	315	243	910
Books on Tape	148	359	546
Books on CD	341	186	1012
Videotapes	566	461	1686
DVDs	492	368	1358
Media Bags	471	493	1399
CD-ROMS	0	4	2
ILL (in)	19	3	61
ILL (out)	2	3	13
NVL loans (in)	0	0	15
NVL loans (out)	0	1	7
Internet Workstations	1082	1139	3014
Equipment	53	48	143
Adult Total	11,520	11,875	34,010
CHILDREN'S			
Non-Fiction	810	667	2217
Fiction	2458	2176	6813
New Books	84	108	166
Periodicals	61	107	135
Sound Recordings	39	41	138
Books on Tape	176	193	535
Books on CD	29	15	92
Videotapes	562	400	1472
DVDs	196	187	518
CD-ROMS	72	76	177
CD-ROMS (in house)	125	109	273
Children's Total	4612	4074	12,536
Remote Renewals	936	785	2755
Monthly Total	17,068	16,734	49,301

**Dallas Public Library
Monthly Report for March 2008**

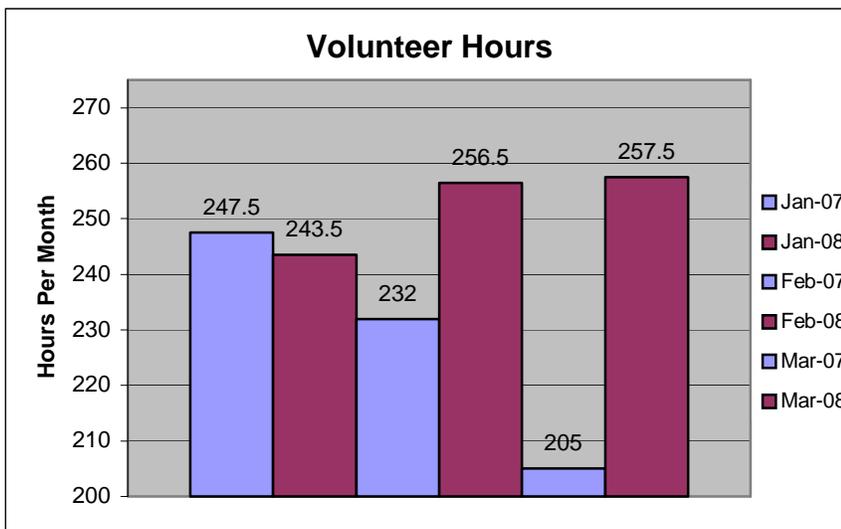
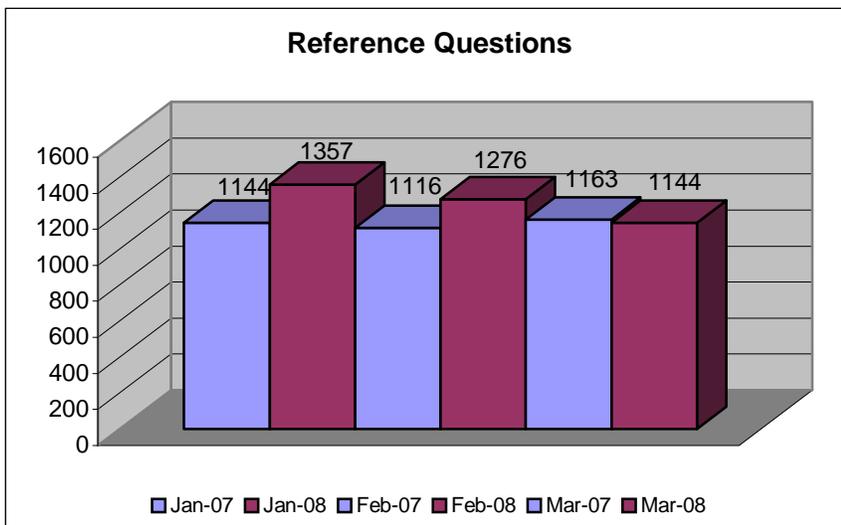
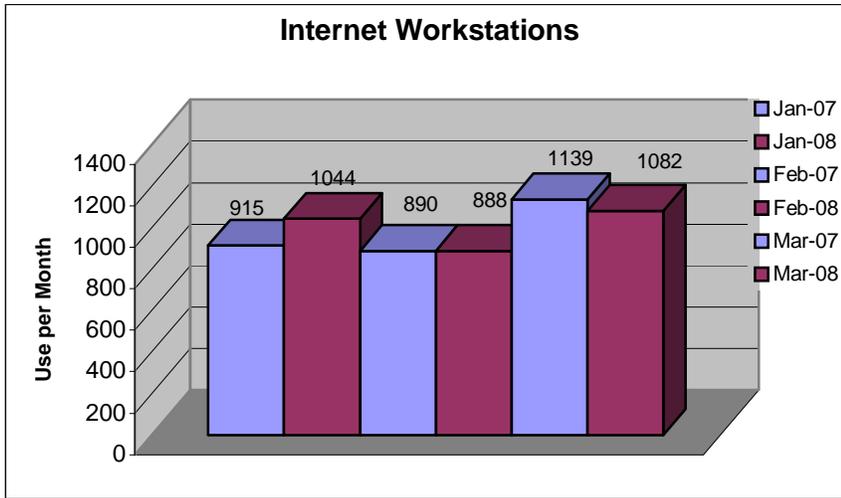
REGISTERED PATRONS – March 2008

City Residents	
Adult	6553
Child	1730
YA (12-17)	593
Total	8876
Non-Resident – Fee	
Adult	496
Child	97
YA (12-17)	42
Total Fee	635
Non-Resident –Restricted	
Adult	1564
Child	470
YA (12-17)	203
Kids Card	492
Total Restricted	2729
Non-Resident Total	3364
Total Registered Patrons	12,240

ADDITIONAL ACTIVITY

	March 2008	March 2007	Year to Date 2008
Non-Resident User Fees	\$ 910.00	\$ 890.00	\$ 2675.00
Fines Collected	\$ 1287.56	\$ 1253.72	\$ 3146.61
Photocopies	\$ 166.45	\$ 108.84	\$ 480.55
Reference Questions	1430	1163	4063
Volunteer Hours	257.5	205	757.5

Dallas Public Library Monthly Report for March 2008



MEMORANDUM

DALLAS POLICE DEPARTMENT MONTH OF MARCH '08

TO: JERRY WYATT
FROM: CHIEF JIM HARPER

Some of the current trends and observations are:

- Sgt Dankenbring attended a one-week supervision course at the Department Police Safety Standards & Training Academy. (DPSST)
- Officer Vidrio & Detective Mott attended a Child Abuse Summit in Portland all week.
- New hire, Jeff Van Laanen begins April 29, 2008, as our newest Officer.
- Lt. Stevenson & Officer Vidrio attended a one-day class on school shootings, along with the Dallas High School Administration.
- Officer Colby Hamilton successfully completed his 18-month probationary period and is doing well.
- New Reserve, Tim Conger, will be graduating from the Reserve Academy on May 16th.

MARCH 2008

The following is a summary of traffic violations committed:

26	Speeding Violations
12	License Violation
10	Insurance Violations
40	Moving Violations
05	Equipment Violations
05	Safety belt Violations
06	Other

Investigation by this Department

45	Animal Ordinance Offenses	Clear by Arr	08
03	Assaults	Clear by Arr	02
09	Criminal Mischief	Clear by Arr	10
05	Curfew	Clear by Arr	05
10	Disorderly Conduct	Clear by Arr	10
01	Discharge Weapon City Limits	Clear by Arr	01
10	DUII	Clear by Arr	10
03	Driving While Suspended	Clear by Arr	03
06	Drug Offenses	Clear by Arr	06
07	Fail Carry Present License	Clear by Arr	07
01	False Report to Police	Clear by Arr	01
05	Fail Perform Duties of Driver	Clear by Arr	05
02	Furnishing Alcohol to Minors	Clear by Arr	02
08	Harassment	Clear by Arr	08
12	Minor in Possession Alcohol	Clear by Arr	12
01	Ordinance Offenses	Clear by Arr	01
01	Official Misconduct	Clear by Arr	01
09	Reckless Driving	Clear by Arr	09
01	Refusal Breath Test	Clear by Arr	01
01	Resisting Arrest	Clear by Arr	01
06	Runaway	Clear by Arr	05
03	Sex Offense	Clear by Arr	03
03	Tampering Drug Records	Clear by Arr	03
29	Thefts	Clear by Arr	18
02	Trespass	Clear by Arr	13
13	Unlawful Entry Motor Vehicle	Clear by Arr	13
03	Unlawful Use Motor Vehicle	Clear by Arr	00
07	Warrants	Clear by Arr	07

92 Assist Public
 38 Assist Law
 60 Suspicious Activity
 15 Suspicious Vehicles
 05 Suspicious Persons
 13 Disturbances
 11 911 Hangup
 15 Welfare Checks
 08 Assist Traffic
 17 False Alarms
 37 Civil Complaints
 19 Noise Complaints
 33 FIR (Field Investigation Report)
 04 Accidents

Arrests by this Department

08 Animal Ordinance Offenses
 02 Assaults
 10 Criminal Mischief
 05 Curfew
 01 Discharge Weapon City
 10 Disorderly Conduct
 09 DUII's
 07 Drug Offenses
 04 Driving While Suspended
 07 Fail Carry & Present License
 05 Fail Perform Duties Driver
 01 False Info Report
 02 Furnishing Alcohol to Minors
 04 Ordinance Offense
 12 Minor in Possession Alcohol
 01 Official Misconduct
 02 Resisting Arrest
 09 Reckless Driving
 01 Refusal Breath Test
 05 Runaway
 03 Sex Offenses
 03 Tampering With Drug Records
 18 Thefts
 13 Trespass
 13 Unlawful Entry Motor Vehicle
 07 Warrants
162 TOTAL ARRESTS

Arrests for MAR '07: 119

JUVENILES

Twenty-one juveniles were referred to Juvenile Authorities for their actions.

TOTAL CALLS FOR SERVICE: 932 TOTAL (Last yr: 854)
177 Case Numbers
755 Event Numbers

DALLAS POLICE DEPARTMENT CODE ENFORCEMENT REPORT

MARCH 2008

Community Service Officer Totten

NUMBER OF TOWED VEHICLES	0
NUMBER OF CITATIONS ISSUED	14
NUMBER OF FOLLOW-UP ACTIVITIES COMPLETED	150

NEW CASES STARTED:

DCC # 5.584-INOPERABLE VEHICLES (PRIVATE PROPERTY)	25
DCC # 6.320-VEHICLES STORED ON STREET/PARK STRIP	21
DCC # 6.505-ABANDONED VEHICLES	6
DCC # 5.582-JUNK	0
DCC # 5.556-SCATTERING RUBBISH (PRIVATE PROPERTY)	11
DCC # 6.315-TRUCK PARKING	1
DCC # 6.310-PROHIBITED STOPPING & PARKING	0
DCC # 5.276-CAMPING ON PUBLIC PROPERTY	0
DCC # 6.605-PARKING REGULATIONS (CAMPING)	0
DCC # 6.125-OBSTRUCTING STREETS OR SIDEWALKS	0
DCC # 5.588-GRAFFITI	0
DCC # 5.552- ATACTIVE NUISANCES	0

HABITUAL PROBLEMS/OTHER ISSUES: I am working with Tom Hall from John L Scott Realty to clean up building debris at 1175 SW Fairview Avenue.

NARRATIVE:

Fourteen citations were issued for parking violations.

APPROVED:

TO: JERRY WYATT, CITY MANAGER
 FROM: FRED BRAUN, DIRECTOR OF PUBLIC WORKS

**DEPARTMENT OF PUBLIC WORKS
 Monthly Report for March 2008**

		<u>Water Division</u>			
		<u>2008</u>	<u>Unit</u>	<u>2007</u>	<u>Unit</u>
Total Discharge to Town		54.1	MG	46.76	MG
Total Water Raw		59.3	MG	57.45	MG
Peak Day	03/13/08	2.75	MG	02/27/07	2.08 MG
Daily Average-Raw		1.91	MGD	1.85	MGD
Daily Average-City		1.74	MGD	1.51	MGD
Backwash Water		2.48	MG	3.11	MG
Filter to Waste		.25	MG	0.66	MG
Flushing		N/A	MG	0.10	MG
Discharge Water		.10	MG	0.10	MG
Meter and Process Error	-2.5%	N/A	MG	0.53	MG
ASR Injected		7.36	MG	N/A	MG
ASR down well total		26.1	MG	27.13	MG
Average High Temp		51.8	° F	58.5	° F
Average Low Temp		34.7	° F	39.4	° F
Total Precipitation		3.54	Inches	2.35	Inches

Mercer Dam and Watershed:

- Visual inspections were done on March 3, 14, and 21.
- Full walking inspections were done on March 3, 7, and 24.

Intake Pump Station: Reporting okay. Number one drive repaired and is okay to use.

Water Treatment Plant: Reporting okay.

Worked on:

- ♦ Daily, weekly, monthly, quarterly, yearly maintenance items
- ♦ Pulled more old PLC and power wires
- ♦ Installed new chlorine regulations, injections, and controls
- ♦ Installed and calibrated new PAC pumps

Reservoirs: Reporting okay.

Worked on:

- ♦ Phone service ready for installation
- ♦ New P/C and level indicator so contractor can install new valving and demolish old chlorine building

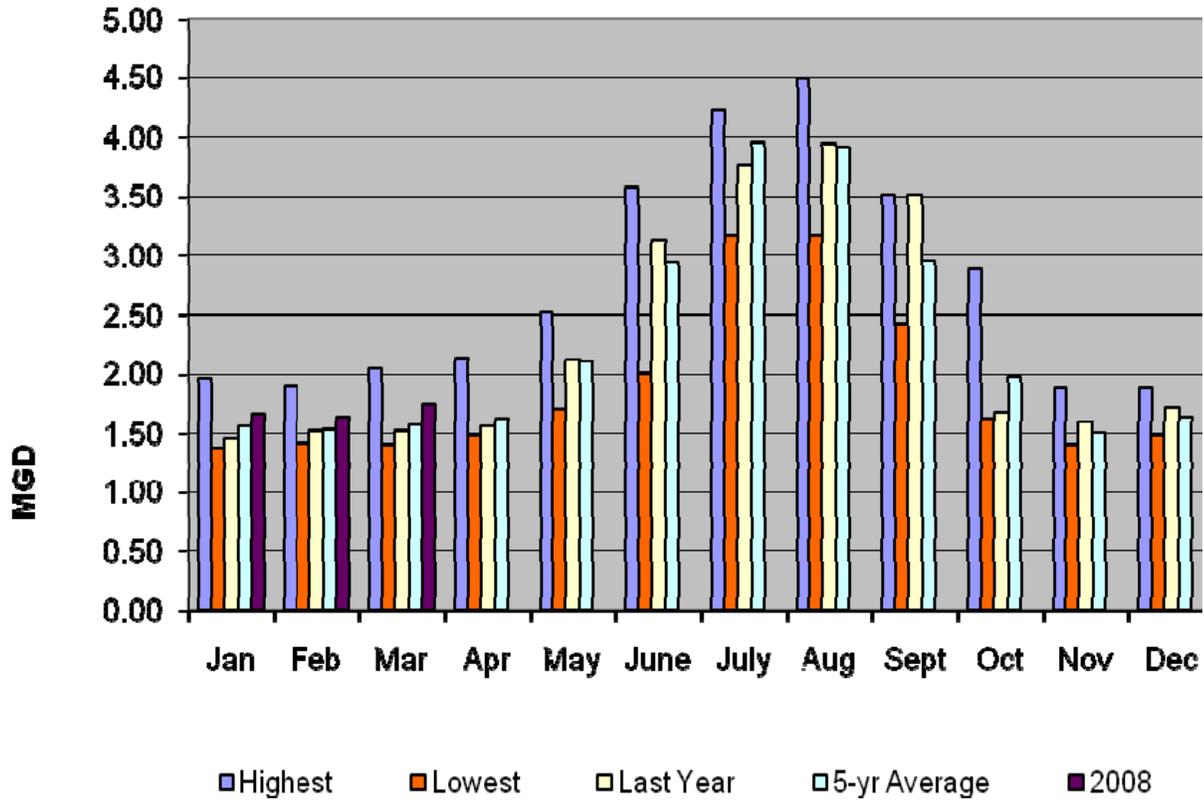
New Services: Five new 3/4" services were installed at: 364 NW Reed, 459 SE Pine, 513 NE Evergreen and 1" services were installed at 468 NE Bovard.

Repairs Leaks at: There were no leaks to repairs.

Worked on:

- Finished all hydrants and blowoffs
- River Drive Water Line

Average Daily Treated Water Production



Wastewater Division

Effluent Flow

		<u>2008</u>	<u>Units</u>		<u>2007</u>	<u>Units</u>
Monthly Total Flow		83.69	MG		80.91	MG
Peak Day Flow	03/14/08	4.70	MG	03/01/07	5.01	MG
Daily Average Flow		2.70	MG		2.61	MG

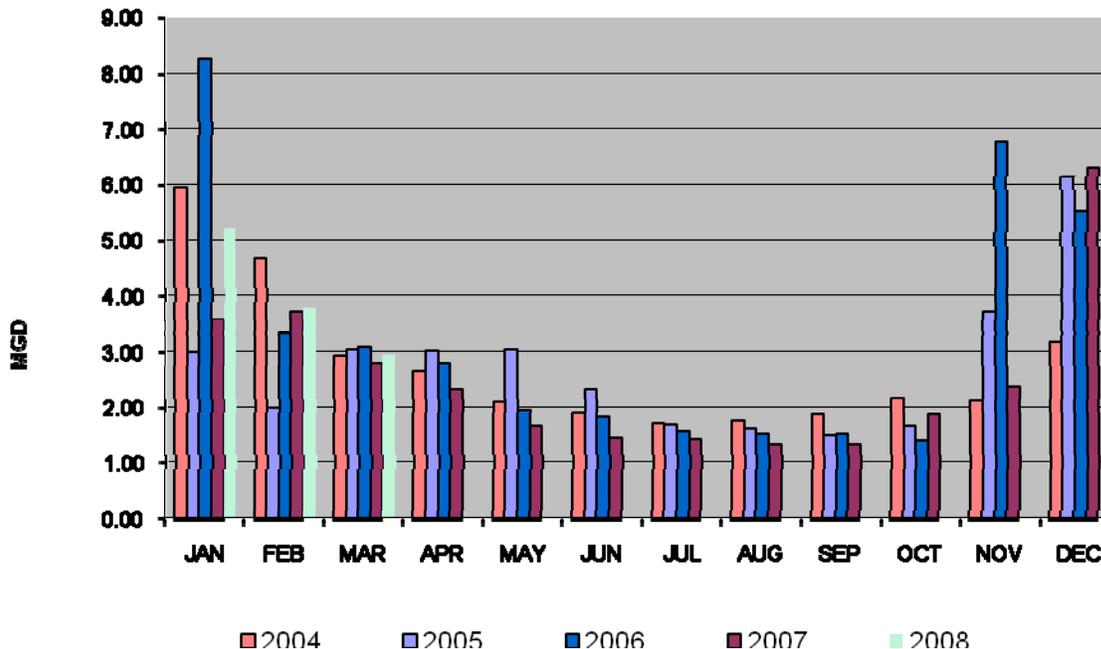
Plant Maintenance:

- Schedule hoist inspection for late April
- Removed gravel from west headworks channel
- Influent wetwell increased to decrease influent pump cavitation
- CH2M Hill Laboratory collected quarterly samples
- Beautification of plant grounds
- Took Secondary no. 1 off-line to conserve energy

Plant Performance:

High flows experienced during the December 2007 storm events flushed gravel and rock from the City's collection system into the WWTF influent screens. CH2M Hill – OMI staff developed and implemented safe procedures to remove the gravel and rock from the screens. Staff also raised the level at which the WWTF influent pumps start in order to reduce cavitation (shaking) of the pumps when they start-up, removed one of the clarifiers from service for routine maintenance and conservation of energy in anticipation of dry weather flow conditions, and continued improvement and maintenance of WWTF grounds. Staff from the CH2M Hill Corvallis Office collected the third quarterly round of water quality samples as part of the comprehensive water quality study developed for compliance with the city's SFO (enforcement order) issued by ODEQ.

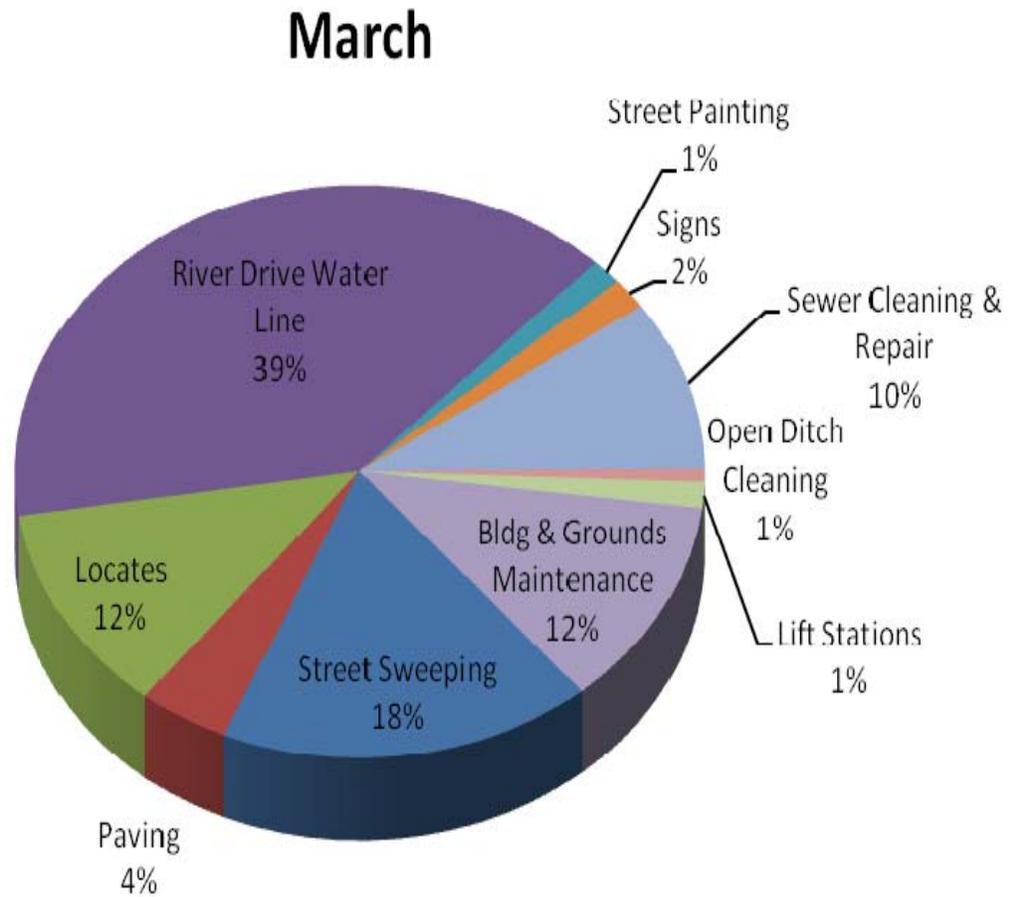
Effluent - Average Daily Discharge by Month



Street and Construction Division

Maintenance:

Catch basin maintenance, cold patching, curb and sidewalk repair, equipment and vehicle upkeep and repair, manhole grouting, mowing of City properties and/or rights of way, open ditch maintenance, painting of streets, plug and patching, preventative maintenance on sewer lift stations, reimbursable work, sanitary rehabilitation, sanitary repair and cleaning, service repair, shop and office, sign work, storm repair, street sweeping, tree trimming, unimproved streets and alleys, utility locates, and various other maintenance duties.



Parks Division

The Parks department provided the following routine services during the month of March:

- Prepared restrooms for opening
- Opened restrooms for spring break
- Opened restrooms for summer use
- Cleaned leaves from shrub beds
- Cleaned and filled Japanese pond
- Started full-time garbage service on March 3, 2008
- Cleaned and opened new side kitchen area for use
- Repaired damage caused by vandalism
- Washed outside of park buildings
- Performed regular mowing of all parks
- Performed monthly safety check of playground equipment on March 21, 2008
- Removed leaves from trails
- Picked up fallen limbs
- Performed winter table maintenance and equipment repairs
- Performed equipment service checks/repairs
- Planted trees and arborvitae at Levens Street Bridge and City Shop landscape sites
- Installed drip irrigation at Levens Street Bridge and City Shop landscape sites
- Continued to cut ivy off trees at Park Trail between Main St and Levens St
- Continue to remove debris from Kingsborough drainage ditch
- Filled in voids created when walks were installed for new play equipment

Engineering

Subdivisions:

- Ceres Gleann, Phase 4: As-builts under review.
- Paisley Addition: As-builts submitted for review.
- Cynthian Oaks, Phase 2: As-builts under review.
- Ellendale Estates: As-builts under review.
- Oak View Estates: Waiting for construction to begin.
- Pacific Heights: Working on after-paving checklist.

Commercial Developments:

- Les Schwab Remodel/Addition: Construction underway.
- Trinity Lutheran Church: Plans sent back to engineer for revisions.
- DRV Ellendale Duplexes: Plans reviewed and sent back to engineer for revisions.

Programs / Projects:

- Fir Villa Street Improvements: Construction completed.
- Phase II/ Monitoring: Plan approved by DEQ; second sampling event completed.
- Levens Street Bridge Replacement: As-built drawings completed. Landscaping underway.
- SE Monmouth Cut-off / Uglow Ave Intersection: Project shelved.
- Ambulance Parking Lot: Landscape remaining.
- Main St Water Reservoir: Part of pipe installed in Main Street. Tank constructed initiated.
- Downtown Parking Lot: Preliminary design and estimate completed.
- Maple Street Sewer: Project on hold.
- Intake Upgrade: Addressing drive reliability issues.
- PLC Upgrade: New PLC online; final testing underway.
- Clay Street Storm Sewer: Project on hold.
- Updating City of Dallas Construction Specification book.
- River Drive Water Line: Construction underway.
- Cherry Street Water Transmission Line: Research and design underway.
- Willamette TMDL Implementation Plan: Draft plan comments received and revisions underway.

Routine Work:

- Map Updates: Ongoing.
- Utility Locates: Normal
- Engineering, Project Scoping, Public Assistance: Normal
- Planning Commission / City Council / Community Development Team: Normal
- Watershed: Attended mtgs/project coordination Rickreall and Luckiamute Watershed Councils.
- WWTF-NPDES: Submitted required reports.
- Water Treatment Facility/Water Supply: ASR injection cycle ongoing.
- Tracking Backflow testing
- Pavement Management: Information analysis.
- Sidewalk Inspections: Ongoing.

Administrative Services Division Activities

Project Management

- Continued tracking engineering task orders
- Reviewed invoices for payment recommendation
- Communication with various project managers on status of projects
- Reviewed contract documents
- Project meetings
- Project management

Public Information

- Web Page monitoring & updates for new web page
- Channel 17 notices

Safety

- MSDS updates
- Safety meetings

Additional Projects

- OECDD Water improvement documentation and reimbursement request
- ASR pump station project
- 2 MG reservoir tank project
- Rotary Park improvement planning
- Shops frontage improvements
- Update bid specifications
- Cherry Street water project

Shop Services

- Ongoing maintenance on vehicles, machinery & construction equipment

Shop services hours were divided into the following areas:

Community Development	1.50 hrs.
EMS	8.00 hrs.
Fire	19.50 hrs.
Outside Labor (Work performed within another division)	1.00 hrs.
Parks	3.50 hrs.
Police	25.00 hrs.
Public Works	250.00 hrs.
Rural Fire	38.00 hrs.

Support Services

- Administrative support for Public Works
- Code Enforcement
- Map updates
- SOGs