

# **361: Storm Water Regulation**

**ENACTED MARCH 11, 1992**

**AN ORDINANCE REGULATING STORM WATER.**

**BE IT ENACTED BY THE PORT OF PORTLAND:**

## **Section 1. Findings and Purpose**

### **1.1 Findings**

The Port of Portland Board of Commissioners finds:

- (a) The public interest and the interests of the Port of Portland will be served if pollution of the Willamette and Columbia Rivers and other waters due to pollutants in storm water runoff can be minimized;
- (b) Environmental Protection Agency storm water regulations adopted pursuant to the Clean Water Act require the Port to obtain a National Pollution Discharge Elimination System municipal storm water permit and to manage storm water by:
  - (i) Controlling the contribution of pollutants to Port municipal storm sewers by storm water associated with industrial activity;
  - (ii) Prohibiting illicit discharges of pollutants to Port municipal separate storm sewers;
  - (iii) Controlling the discharge to Port municipal separate storm sewers of spills, dumping, or disposal of materials other than storm water; and
  - (iv) Requiring compliance by third persons with the foregoing requirements under ordinances, permits, contracts or orders issued by the Port.

### **1.2 Purpose**

The purpose of this Ordinance is to regulate the discharge of storm water into Port storm sewers to minimize water pollution due to pollutants discharged in storm water, and to comply with the Clean Water Act and with the National Pollution Discharge Elimination System municipal storm water permit issued to the Port under the Clean Water Act.

## **Section 2. Definitions**

As used in this Ordinance, unless the context clearly requires otherwise:

2.1 "Executive Director" means the Executive Director of the Port.

2.2 "Illicit discharge" means any discharge to a storm sewer that is not composed entirely of storm water, except (1) discharges under an National Pollution Discharge Elimination System (NPDES) permit other than the municipal NPDES storm water permit issued to the Port and (2) discharges resulting from fire fighting activities.

2.3 "Person in possession of land owned by the Port" means the individual, partnership, corporation, or other entity that has a right to occupy or control Port land pursuant to law or under a lease, permit, right of entry, facility use agreement, or other contract with the Port of Portland. "Port land" means land to which the Port holds legal title and in something more than a mere security interest.

2.4 "Pollutant" means dredged material, solid waste, sewage, garbage, sewage biological materials, incinerator residue, filter backwash, sludge, munitions, chemical wastes, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial or agricultural waste.

2.5 "Port" means the Port of Portland.

2.6 "Storm sewer" means a conveyance or system of conveyances, including without limitation roads with drainage systems, catch basins, curbs, gutters, ditches, man-made channels, or storm drains, that is designed or used for collecting or conveying storm water.

2.7 "Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.

### **Section 3. Illicit Discharges**

No person shall make, cause, or allow an illicit discharge into a storm sewer owned or operated by the Port.

### **Section 4. Connections**

No person shall connect to a storm sewer owned or operated by the Port without first obtaining written permission from the Port.

### **Section 5. Inspections**

Upon reasonable notice to the person in possession of land owned by the Port, the Port may inspect that land and storm sewers on the land for violations of this Ordinance or of any law or regulation governing the conveyance or disposal of storm water. The right to inspect under this section is in addition to any right under a lease, use agreement, or other contract between the Port and the person in possession of the land.

### **Section 6. Rules**

The Executive Director or the Executive Director's designee shall adopt rules to control:

1. The contribution of pollutants to storm sewers owned or operated by the Port;
2. The quality of storm water discharged from the sites of industrial activity on land owned by the Port; and
3. The discharge to storm sewers owned or operated by the Port of pollutants from spills, dumping, or the disposal of materials other than storm water.

### **Section 7. Penalties**

Any person violating section 3 or 4 of this ordinance shall be guilty of a misdemeanor pursuant to ORS 777.990(2). If a violation of section 3 or 4 of this Ordinance is continuing or recurrent, each calendar day during which the violation occurs or continues shall be deemed a separate violation.

### **Section 8. Savings Clause**

All parts of this Ordinance are hereby declared separable and independent of all others. If any phrase, clause, sentence, paragraph, or section of this Ordinance is declared invalid for any reason, the remainder of this Ordinance shall not be invalidated by that declaration, but shall remain in full force and effect.

ADOPTED THIS 11th day of March, 1992, being the date of its second reading before the Board of Commissioners of the Port of Portland.