



# REQUEST FOR COUNCIL ACTION

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**Title:** Ordinance No. 7 for 2020 – Water System in Critically Affected Chemical Area

**Preferred Agenda:** April 28, 2020 (Introduction)  
May 12, 2020 (Information Only)  
May 26, 2020 (Information Only)  
June 9, 2020 (First Reading)  
June 23, 2020 (Second Reading)

**Submitted By:** R. Snyder, City Attorney

**Reviewed By:** R. Towry, City Manager

**Type of Action:** Resolution \_\_\_\_ Motion X Roll Call \_\_\_\_ Other \_\_\_\_

**Relevant Code/Policy:** [SHMC 13.20](#) and work DEQ

**Towards Council Goal:** Goal 3.3 Develop partnerships with Regional Services

**Attachments:** Sweet Home Ordinance Amending [SHMC Chapter 13.20](#)  
Critical Area Map, Letter from DEQ and proposed Form

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**Purpose of this RCA:**

The purpose of the proposed Ordinance is to amend [SHMC Chapter 13.20](#) that required connection to city water in Midway Contaminated Groundwater Area (chemical spill area) to specifically include a provision to allow a property owner in that area to not be required to hook up to city water by having his/her well tested as described in the amendment.

**Background/Context:**

In 1998 the City of Sweet Home passed Ordinance No. 1120 that concerned a chemical spillage (affecting wells) in the Midway area of Sweet Home. The Ordinance required that properties in the critical area (as determined by DEQ) and set forth in the Ordinance connect to and utilize the city water system. In 1998 the soil where the chemical spillage originated was removed and since that time DEQ has periodically tested wells in the critical area. The water quality has improved in the critical area to a point where some properties may no longer be affected by the contamination, and DEQ has drafted the proposed amendment that specifically provides a procedure for a property owner who has a well to not be required to be connected to the city water system. A map of the critical area is attached. A letter from the DEQ supporting the proposed ordinance and a sample form for processing the test results are enclosed herewith.

At a prior City Council meeting the City Council asked for more information on several topics concerning the Midway Wells:

Brief Background:

In 1998 the city passed the current Midway Ord. requiring connections to city water for certain well owners affected by chemical spills. The latest DEQ testing was in 2015 and before that in 2008. The 2015 test results show a decrease in concentration of the chemicals from the 2008 sample event and from the 2015 report an expectation that the concentrations would continue to decline over time. The next testing is scheduled for 2021.

Authority of DEQ and City of Sweet Home:

In talking with DEQ it is my understanding that it is the city ordinance that is the authority for the mandatory water hookups to city water and that DEQ is giving a recommendation after reviewing tests results as described in the proposed ordinance.

Costs of the testing:

I called and talked to three local companies who are able to take the well water samples for the tests and their fees range from \$150 to \$275 to do a sampling and I called and talked to three labs who are able to do the lab testing of the water samples and their fees range from \$170 to \$220 per test. Therefore, a complete two test process would cost \$640 to \$990.

Word “consistently” in the proposed ord.:

The word “consistently” has been removed from the proposed ordinance since the proposed ordinance uses specific tests.

Disconnection of wells from city water system:

In talking with public works, it is clear that when a water meter is removed upon a person disconnecting from the city water system that said removal of the meter does physically separate the city water system from a well or stream system. After the meter is removed the city water system is completely separate and separated from the other system.

The requirement of a backflow device to protect the city water system from outside sources is needed when a person uses a well or stream and is on city water at the same time. Public Works told me that when the two systems are being used a backflow device is placed directly behind the city meter to prevent any commingling of waters and is checked once a year to make sure the backflow is working properly.

The cost of disconnecting from the city water system is \$20 for a turn off and \$20 to turn water back on for a Vacation/Temporary disconnect. When the meter is pulled for a disconnect it costs \$20 but to reinstall water service it costs \$40 reinstating fee and a \$200 reinstallation of meter fee.

Other changes to proposed ordinance:

After speaking with DEQ and calling the local well drilling companies who do water sampling I have added water well and pump professionals that are experienced in collecting water samples for testing of volatile organic compounds (VOCs) to the list of qualified samplers.

Also, after reviewing the cost of the two test process I talked to DEQ and they informed me that they would be willing to take into consideration as an additional option process having their DEQ test results for a well being used as the data for making a recommendation and they informed me that EPA Method 8260 that they have used is also an appropriate method to analyze the test results.

Finally, DEQ decided that both the state and federal levels for the water quality need to be met to receive a recommendation from them that disconnecting would be appropriate.

The text changes to address the above items were made to the proposed ordinance. See track ordinance.

**The Challenge/Problem:**

Should the city amend its code to provide a specific procedure for a property owner in the critical area to not be required to be connected to the city water system?

**Stakeholders:**

Property Owners – The owners of properties in the critical area would have a specified procedure to follow to exercise the option of not having to be connected to the city water system.

- City of Sweet Home – The City would be providing an option in its code for its affected residents to receive their water needs from a well or city water.
- Department of Environmental Quality – DEQ would have additional information from any testing results for its continued monitoring of the critical area

**Issues and Financial Impacts:**

When a property is withdrawn from using the city water system there will be the loss of revenue for the water account not sewer account which will continue.

**Elements of a Stable Solution:**

An option to be on the city water system or not in the critical area will allow the property owners to decide for themselves (after testing indicates well water is consistently below safe drinking water standards) whether to be connected.

**Options:**

1. Do Nothing
2. Request staff make additional changes – staff will return with a revised ordinance.
3. Make a motion to move Ordinance No. 7 for 2020 to third and final reading.

**Recommendation:**

Staff recommends option #3 above: Make a motion to move Ordinance No. 7 for 2020 to third and final reading.