

ORDINANCE NO. _____

AN ORDINANCE CONCERNING DELEGATING AUTHORITY TO THE CITY MANAGER FOR REMOVAL OF CHEMICALS FROM THE HAZARDOUS SUBSTANCES LIST AND UPDATING TRACKING INSTRUCTIONS, AND AMENDING SECTIONS 3.690 AND 3.696 OF THE EUGENE CODE, 1971.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Sections 3.690 and 3.696 of the Eugene Code, 1971, are amended to provide as follows:

- 3.690 Hazardous Substances User Fee – Purpose.** Sections 3.690 through 3.696 contain the procedures for payment by certain businesses that use hazardous substances of the hazardous substance user fees, as established in section 3.694 of this code, in a manner consistent with article VII of amendment IV to the Eugene [e]Charter of [1976]**2002** (the “amendment”), taking into consideration the mandate of the courts in the litigation involving the amendment.
- 3.696 Hazardous Substances - Addition and Removal of Chemicals to Hazardous Substances List and Changes to Reporting and Accounting Thresholds.**
- (1)** Within 60 days of learning that a chemical has been added to **or removed from** one or more of the lists described in Article III, section E, subsections 1(a), (b), (c), (f) and (g), 2, 3, and 4, of Amendment IV to the Eugene Charter of [1976]**2002**, the city manager shall request advice from the toxics board as to whether the new chemical should be added to **or removed from** the list of substances required to be reported under Amendment IV to the Eugene Charter of [1976]**2002**. **If the chemical is to be added,** [F]the city manager shall also request the toxics board’s advice on the appropriate reporting threshold and materials accounting threshold for each chemical in question.
 - (2)** After obtaining the advice of the toxics board as provided in subsection (1) of this section, and after following the procedures described in section 2.019 of this code, the city manager may adopt an administrative rule that adds **or removes** a chemical or chemicals to the list of chemicals subject to the requirements of Amendment IV to the Eugene Charter of [1976]**2002** and, **for added chemicals,** establishes reporting and materials balancing thresholds for that chemical or those chemicals if the manager determines that such a rule is consistent with the purpose and intent of Amendment IV to the

Eugene Charter of [1976]2002. The rules adopted by the manager shall also establish a date when the additional chemical(s) shall be subject to the reporting and materials accounting requirements.

- (3) Within 60 days of learning that the federal reporting threshold for any chemical reportable under Amendment IV to the Eugene Charter of [1976]2002 is reduced so as to fall below the materials accounting threshold established locally for that chemical, the city manager shall request the toxics board's advice on the appropriate reporting threshold and materials accounting threshold for that chemical.
- (4) After obtaining the advice of the toxics board as provided in subsection (3) of this section, and after following the procedures described in section 2.019 of this code, the city manager may adopt an administrative rule that changes the reporting and materials accounting thresholds for chemicals meeting the conditions described in subsection (3) of this section. The rules adopted by the city manager shall also establish a date when the new thresholds shall apply.
- (5) If the city manager declines to adopt an administrative rule that implements the toxics board's advice as described in subsections (2) or (4) of this section, the city manager shall explain to the city council and the toxics board in writing the reasons for the decision not to implement the toxics board's advice. ***However, the city manager may remove a chemical pursuant to subsection (2) of this section only if the toxics board has recommended its removal.***

Section 2. The Hazardous Substance Tracking Instructions adopted by Ordinance No. 20518 may be amended by the City Manager following the rule making procedures of Section 2.019 of the Eugene Code, with notifications to the City Council at the same time that public notice is given.

Section 3. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this
____ day of _____, 2015

Approved by the Mayor this
____ day of _____, 2015

City Recorder

Mayor