

# **EXAMPLE #1**

## **OREGON WATER WONDERLAND - UNIT II - SANITARY DISTRICT**

### **SEWER USE POLICY**

# **OREGON WATER WONDERLAND – UNIT II – SANITARY DISTRICT**

## ***ORDINANCE NO. 02-01***

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, REQUIRING APPLICATION, PERMITS AND FEES: PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND DECLARING AN EMERGENCY.

The Oregon Water Wonderland Unit II Sanitary District ordains as follows:

### **SECTION 1: DEFINITIONS**

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- A. "DISTRICT" shall mean OREGON WATER WONDERLAND – UNIT II – SANITARY DISTRICT.
- B. "BOARD" shall mean the Board of Directors of Oregon Water Wonderland – Unit II – Sanitary District.
- C. "SEWAGE WORKS" shall mean all District owned facilities for collecting, pumping, treating and disposing of sewage.
- D. "ENGINEER" shall mean the Engineer of the district or his/her authorized deputy, agent or representative.
- E. "SEWAGE" shall mean a combination of the water carried wastes, from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
- F. "SEWER" shall mean a pipe or conduit for carrying sewage.
- G. "PUBLIC SEWER" shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.
- H. "SANITARY SEWER" shall mean a sewer, which carries sewage and to which storm, surface waters and drainage, but excludes sewage and polluted industrial wastes.
- I. "STORM SEWER" or "STORM DRAIN" shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.
- J. "SEWAGE TREATMENT PLANT" shall mean any arrangement of devices and structures used for treating sewage.
- K. "INDUSTRIAL WASTES" shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.
- L. "GARBAGE" shall mean solid wastes from the preparation, cooking and dispensing of food, and for the handling, storage and sale of produce.

- M. "PROPERLY SHREDDED GARBAGE" shall mean the wastes from the preparation, cooking and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow and conditions normally prevailing in public sewers, with no particles greater than 1/2 inch in any dimension.
- N. "SERVICE CONNECTION" shall mean a public sewer, which has been constructed to the property line or right-of-way from a public sewer lateral or main for the sole purpose of providing a connection for the building sewer.
- O. "BUILDING DRAIN" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 5 feet outside the inner face of the building wall.
- P. "BUILDING SEWER" shall mean the extension from the building drain to the property line or right-of-way line and connection with the public sewer service connection.
- Q. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under a standard laboratory procedure in 5 days at 20 degrees C. expressed in parts per million by weight.
- R. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- S. "SUSPENDED SOLIDS" shall mean solids that either float on the surface, or are in suspension in water, sewage, or other liquids; and which are removable by the laboratory filtering.
- T. "NATURAL OUTLET" shall mean any outlet into a watercourse, pond, ditch, lake or other body or surface or ground water.
- U. "WATERCOURSE" shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- V. "PERSON" shall mean any individual, firm, company, association, society, corporation, or group.

## **SECTION 2: USE OF PUBLIC SEWERS REQUIRED**

- A. It shall be unlawful for any person to place or permit to be deposited in any unsanitary manner upon public or private property within the District or in any area under the jurisdiction of the District any human excrement, garbage or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the District or in any area under the jurisdiction of the District, any unsanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage within the corporate limits of the District or in any area under the jurisdiction of the District.

- D. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the District and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the District is hereby required at his/her expense to connect such facilities directly with the proper public sewer, either by gravity or with approved pumping facilities, in accordance with the provisions of this Ordinance, within 180 days after the date of official notice to do so, provided that said public sewer is available to or on the property and/or at a property line of said property. In the event that, during the said period of 10 days, the said owner shall file his/her written objections with the Board against so being required to install said facilities, the District shall not enforce the provisions of this subsection upon said owner so filing his/her objections until the Board shall have, at a meeting thereof, heard the said objections of said owner, and rendered its decision thereon. The said meeting of the Board shall be held not less than 10 days or more than 30 days from and after the date of the filing of said objections with the Board. Not less than 7 days prior to the date set by the Board for said meeting, the District shall give due notice of the date set therefor to said owner. The decision of the Board shall be final and no appeal shall be taken therefrom by said owner except as is provided by law.

### **SECTION 3: CONNECTION CHARGES**

- A. All houses, buildings or properties used for human occupancy, employment, recreation, or other purposes which are required to connect to the public sewer under the provisions of this Ordinance shall pay a connection charge for each separate service connection provided to the property except as defined by Resolution No. 02-02. When one service connection serves two or more buildings, each building shall pay a connection charge.
- B. Prior to connection, Applicant shall pay a connection charge to the District in an amount set by Board Resolution. Said connection fee shall reflect the actual or average costs to the District for said connection.

Beginning January 1, 2003, the connection fee and the monthly service charges will be set annually by the Board of Directors of the District.

- C. The Board within its judgment may provide that area or areas within the district not served by the sewage system but desiring to be served by said sewer system may allow the owners of said area or areas to construct the sewer facilities on said properties all in accordance with plans and specifications as approved by the Engineer of the District, and in accordance with plans and specifications approved by the State Department of Environmental Quality and Deschutes County and installed in a manner satisfactory to and approved by a person authorized to inspect said sewer installations by the District.

It being further provided that in the event of a new service connection to the present sewer facilities of the District, or in the event of any extension of the sewer system to serve a user who may be a large water user, then and in that event, the Board as provided shall fix the connection charge to be paid by said sewer users, said Board to take into consideration the gallonage of water to be used by said business and any and all other factors which may affect the ultimate use of the sewage works of the District.

In all those areas where expansion is done by private persons under supervision of the District as hereinabove provided for in this section, the District and the persons doing the work shall agree as to the time within which said sewer extension work shall be done and upon completion of said work and acceptance thereof by the District, said sewer mains, laterals, and connections shall be turned over to the District free and clear of any and all

expenses for the construction and installation thereof. The person, persons, or company doing the work before turning over the sewers, mains and laterals to the District shall prepare a map or plat showing all of the property served by said facilities and the lots, parts of lots, or parcels of ground actually connected to said sewers. Each of the owners of said lots, parts of lots, or parcels of land shall, when connecting to the sewer, pay to the District a connection charge for the type of property served as provided for in Section 3 C of this Ordinance.

It is further provided that all other properties served by said sewer installation, but which do not have a service connection running from the sewer mains or laterals to the property lines, shall, *prior to connecting up*, pay a connection charge.

- D. In the event a further expansion of the District sewer system be made by the District itself, the connection charge shall be as in Section 3 C.

#### **SECTION 4: PRIVATE SEWAGE DISPOSAL**

- A. Where a public sanitary sewer is not available under the provisions of Section 2 D, the building sewer shall be connected to a private sewage disposal system complying with the requirements of the Oregon State Department of Environmental Quality, the Oregon State Board of Health, and the Oregon Plumbing Speciality Code.
- B. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 2 D, a direct connection shall be made to the public sewer in compliance with this Ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material, except as provided below, or the Board shall otherwise permit. Where existing buildings are too low to be served by gravity by an available sewer, the existing septic tank facilities shall be maintained in use and, when so ordered by the District, under Section 2 D, approved pumping facilities shall be installed to pump the septic tank effluent into the available sanitary sewer system.
- C. The provisions of this Article shall be in addition to and not in derogation of the requirements of general law.

#### **SECTION 5: BUILDING SEWER AND CONNECTIONS**

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereto and no person, firm or corporation shall make any connection to any part of the sewer system without first making an application and securing a permit therefor.
- B. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation.
- C. Old building sewers may be used in connection with new buildings, or new building sewers only when they are found upon examination and testing by the Engineer, to meet all requirements of this ordinance.
- D. The size, slope, alignment, materials of constructions of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and back-filling the trench,

shall all conform to the requirements of the Oregon Plumbing Speciality Code or other applicable rules and regulations of the District.

- E. Building sewer connections shall be made on the house side of the septic tank to the existing cast iron soil pipe, or approved existing A.C. or other pipe. When connecting cast iron soil pipe to asbestos-cement or other pipe, a special approved adaptor shall be used. Connection of the building sewer to the District sewer at the property line shall be with an approved adaptor.
- F. The first fitting at the connection with the public sewer and the building sewer shall be an A.C. or PVC tee, furnished by the owner. The tee branch shall extend vertically to within 1 foot of finished ground surface and shall be sealed with an approved cap or plug. This riser shall be used for inserting a test plug for water testing the building sewer and as an auxiliary cleanout. Backfilling around the riser shall be done in such manner so as not to damage the pipe. Applications for exceptions to this rule may be made to the District.
- G. The size and slope of the building sewer shall be subject to the approval of the District, but in no event shall the diameter be less than four (4) inches. The slope of such four-inch pipe shall not be less than one-eighth (1/8) inch per foot.
- H. The building sewer shall be laid at uniform grade and in straight alignment insofar as is possible. Changes in direction shall be made only with curved pipe no greater than "45-degree long radius bends". No 45-degree or 90-degree short radius elbow shall be used. All pipe shall be laid on a four (4) inch granular base of  $\frac{3}{4}$  minus rock, pea gravel, sand or combination thereof and the trench backfill to six (6) inches over the pipe.
- I. In all buildings in which any building drain is too low to permit gravity flow to the public sewer sanitary sewage carries by such drain shall be lifted by approved artificial means and discharged to the building sewer.
- J. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Engineer. No backfilling of the trench shall be done until receipt of written approval from the District.
- K. All joints and connections shall be made gastight and watertight.
- L. The applicant for building sewer permit shall notify the District when the building sewer is ready for inspection and connection to the public sewer. After final approval and testing of the building sewer by the District, the owner shall make the final connection to the building drain as defined in Section 1, unless otherwise authorized by the District. A 30 -minute internal hydrostatic test will be required on all building sewers before connection is made to the building drain. All water, plugs and other facilities for making the test shall be furnished by the applicant. Minimum head over the top of the pipe shall be two (2) feet and maximum allowable leakage shall be four (4) gallons per hour per 100 feet.
- M. No plumbing contractors shall be allowed to make connections of private sewers to the sewage works of the District on behalf of any owners of property therein without first posting with the district a bond in the sum of \$1,000.00, indemnifying the District and the inhabitants thereof against any loss or damage which the District or the inhabitants thereof might suffer by reason of the action of said contractors in making said connections.

## **SECTION 6: USE OF PUBLIC SEWERS**

- A. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process to any sanitary sewer.
- B. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet.
- C. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described water or wastes to any public sewer.
  - a. Any liquid or vapor having a temperature higher than 150 degrees C.
  - b. Any gasoline, grease, oils, paint, benzine, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
  - c. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstructions to the flow in sewers or other interference with the proper operation of the sewer works.
  - d. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.
  - e. Any waters or wastes having a pH lower than 5.5 or higher than 9.0 having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
  - f. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant.
  - g. Any noxious or malodorous gas or substance capable of creating a public nuisance, including the contents of septic tanks and cesspools, without written consent of the District.
- D. Grease, oil and sand interceptors shall be provided when in the opinion of the Engineer they are necessary for the proper handling of liquid wastes containing grease in excessive amount, or any flammable wastes, sand, and other harmful ingredients, except that such interceptors shall not be required for private living quarters. All interceptors shall be of a type and capacity approved by the engineer and shall be located so as to be readily and easily accessible for cleaning and inspection, and shall be maintained by the owner, at his/her expense, in continuously efficient operation at all times.
- E. The admission into the public sewers of any waters or wastes having (a) a five-day biochemical oxygen demand greater than 300 parts per million by weight, or (b) containing any quantity of substances having the characteristics described in Section 1, or (c) containing more than 350 parts per million by weight of suspended solids, or (d) having an average daily flow greater than 2 percent of the average daily sewage flow of the District shall be subject to the review and approval of the Engineer, the owner shall provide, at his/her expense, such preliminary treatment as may be necessary. Plans, specifications, and any other pertinent information relating to the proposed preliminary treatment facilities shall be submitted for the approval of the engineer and of the Oregon State Sanitary

Authority, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

## **SECTION 7: PROTECTION FROM DAMAGE**

- A. No person, or persons, shall unlawfully, maliciously, willfully, or as the result of gross negligence on his/her or their part, break, damage, destroy, uncover, deface or tamper with any structure, facility, appurtenance or equipment which is part of the sanitary sewer system of the District. This section does not apply, however, to any employee of the district during the time he/she is engaged in his/her official employment, nor to any person or persons authorized to work in any manner thereon.

## **SECTION 8: POWERS AND AUTHORITY OF INSPECTORS**

- A. The Engineer and other duly authorized employees of the District bearing proper credentials and identification shall be permitted to enter upon all properties for the purposed of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this Ordinance at such times and during such hours that the Board shall approve.

## **SECTION 9: PENALTIES**

- A. Any person or persons found in violation of any provision of this Ordinance shall, upon conviction thereof, be deemed guilty of a violation and fined in an amount not to exceed \$500 for each violation. Each day in which any violation continues shall be deemed a separate punishable violation.

## **SECTION 10: RECOVERY OF DAMAGES**

- A. Any person or persons, who, as the result of violating any of the provisions of this Ordinance, cause any expense, loss or damage to the District, shall immediately become liable to the District for the full sum of such expense, loss or damage. The Board may, at its discretion, proceed against any such person or persons, in any court of competent jurisdiction, in a civil action to be brought in the name of the District, for the recovery of the full sum of any such expense, loss, or damage sustained by the District.

## **SECTION 11: VALIDITY**

- A. The invalidity of any section, clause, sentence, or provisions of this Ordinance shall not affect the validity of any part of this Ordinance which can be given effect without such invalid part or parts.

## **SECTION 12: MONTHLY SEWER SERVICE CHARGES**

As authorized by ORS 450.130, the Oregon Water Wonderland Unit II Sanitary District will levy sewer service charges against property within the District that is connected to the District's system for the purpose of financing the construction, operation and maintenance of the sewage collection and disposal system. The sewer service charge will be assessed and billed monthly and may be collected and enforced as provided in ORS 454.225. The District is authorized to adopt policies and procedures necessary to implement the monthly sewer service charge. The amount of the monthly sewer service charge will be set by District Board resolution and will comply with ORS 294.160(1).



**SECTION 13:** It is hereby adjudged and decreed that existing conditions are such that this Ordinance is necessary for the immediate preservation of the public peace, health and safety of the District and an emergency is hereby declared to exist, and this Ordinance shall take effect and be in full force and effect from and after its passage.

# **EXAMPLE #2**

## **CRESCENT SANITARY DISTRICT**

### **SEWER USE POLICY**

# Crescent Sanitary District

136745 HWY 97  
PO Box 265  
Crescent, OR. 97733  
541-433-2951



## Crescent Sanitary District Ordinance No. 2022-01

### Sewer Use Regulations Ordinance

**This Ordinance supersedes and replaces Crescent Sanitary District Ordinance No. 2021-04**

**AN ORDINANCE CONCERNING THE CRESCENT SANITARY DISTRICT SEWER SYSTEM; ADOPTING CERTAIN RULES, REGULATIONS, RATES, AND CHARGES CONCERNING THE SEWER SYSTEM.**

Whereas Ordinance No. 2022-01 is adopted by the Crescent Sanitary District for the establishment of rules, regulations, rates, and charges.

The Crescent Sanitary District ordains as follows:

1. **Short Title.** This Ordinance may be referred to and cited as the "Sewer Use Regulations Ordinance".

2. **Use of Public Sewers Required.**

2.1 Unless as provided in this Ordinance, it is unlawful to construct and/or maintain and privy vault, septic tank, cesspool, and/or other facility intended or used for the disposal and treatment of sewage. Existing private sewage systems may be used and maintained if connection to the system is not available per approval of the Board.

2.2 Unless otherwise permitted by the Board, all properties used for human occupancy, employment, recreation, and/or other purposes will hook up to the system provided that the public sewer is available. The owner may apply to the Manager who may grant at the Boards approval a temporary waiver of this connection requirement under special circumstances, but will set time limits for compliance.

2.3 It is unlawful for any person to place, deposit, and/or permit to be deposited in any unsanitary manner on public or private property within the District, or any jurisdiction of the District any human or animal excrement, garbage, and/or other objectionable waste.

2.4. It is unlawful to discharge to any natural outlet within the District, or in any area under jurisdiction of the District any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

3. **Private Sewage Disposal.**

3.1 Except as provided by the District it is unlawful to construct and/or maintain and privy vault, septic tank, cesspool, and/or other facility intended or used and maintained if connection to the system is not available or if continued use is authorized under the Ordinance.

3.2 Unless otherwise permitted by the Ordinance, all properties used for human occupancy, employment, recreation, and/or other purposes will hook up to the system provided that the public sewer system is available to the property. The owner may apply to the manager for a temporary waiver and the manager may at the Boards approval grant a temporary waiver but will set a time limit for the waiver.

3.3 Each owner of a property used for human occupancy, employment, recreation, and/or other purposes connected to the system is required, at the owner's expense, to install suitable toilet facilities, building sewer, and sewer connections and to keep such facilities in proper repair at all times; each owner is responsible to maintain and repair the sewer connection from the property to the sewer tank outlet.

3.4 It is unlawful for any person to place, deposit, and/or permit to be deposited in any unsanitary manner in public or private property within the District or within the jurisdiction of the District any human or animal excrement, garbage, and/or other objectionable waste.

**3.5 It is unlawful to discharge to any natural outlet within the District or jurisdiction of the District, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this Ordinance.**

#### **4. Private Sewage Disposal**

4.1 Where a public sanitary sewer is not available under the provisions of this Ordinance the building sewer will be connected to a private sewage disposal system complying with and all applicable federal, state, county, and local laws, regulations, and ordinances, including, without limitation, those imposed by the District.

4.2. All applicable federal, state, county, and District permits and approvals must be obtained before commencement of construction of a private sewage disposal system.

4.3 A private sewage disposal system will not be used until the installation is approved by responsible state and county departments.

4.4 The type, capacities, location, and layout of a private sewage disposal system will comply with all state regulations. No private sewage disposal system may discharge into any natural outlet.

4.5 When a property with a private sewage disposal system is connected to the public sewer, the private sewage disposal facilities must be abandoned and decommissioned in accordance with state regulations at no expense to the District if the private sewage disposal system fails to meet any applicable standards and/or regulations, including those imposed by the District. **The exception is during the initial hookup and decommissioning of all residences at the time the sewer system becomes operation will be done at no cost to the owner's.** After this initial period the language in this section minus the exception will apply.

4.6 The owner will operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense of the District.

## **5. Building Sewer Connections and Responsibilities.**

5.1 No unauthorized person will uncover, connect with use, alter, and/or disturb any public sewer without obtaining a written permission from the District.

5.2 The District will initially have the following two classes of building sewer permits: (a) residential users, which mean all users concerning detached single-family residences and duplexes (dwellings) designed for permanent occupation and which include kitchens and bathroom facilities; and (b) commercial users, which mean users not meeting the definition of a residential user. In either case, the owner or his or her agent will make application for a sewer connection on a form furnished by the District. The permit application must be accompanied by plans, specifications, and other information requested by the District, as well as a properly executed easement approved by the District, which permits District access to the owner's property for the purpose of installing, constructing, maintaining, and/or inspecting service lines and/or septic tank Permits serving the owner's property. Permit and inspection fees (which will be set by resolution) will be paid to District and or county at the time the application is filed. The District may modify its building sewer permit classification and/or establish additional building sewer permit classifications from time to time by Board discretion and approval of Ordinance or Resolution.

5.3 The owner is responsible for all costs and expenses relating to the installation and connection of the building sewer, service connection, and septic tank, if any. The owner will indemnify the District from any loss or damage that may directly result from the installation of the building sewer.

5.4 A separate and independent building sewer will be provided for each lot or parcel.

5.5 Existing building sewers may be used in connection with new buildings only if the District determines that they meet all requirements of this Ordinance and applicable plumbing codes.

5.6 The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, will all conform to the requirements of the building and plumbing Manual of Practice No. 9, as amended will apply.

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

5.8 No person will make connection of roof downspouts, exterior foundation drains, areaway drains, and/or other sources of surface runoff or ground water to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer.

5.9 The connection of the building sewer into the public sewer will conform to the requirements of the building and plumbing code or rules and regulations of the District, or the procedures set forth in appropriate specifications of the ASDTM and the WPCF Manual of Practice No. 9. All such connections will be made gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the manager with Board approval before installation.

5.10 The applicant for the building sewer permit will notify the manager when the building sewer, service connection, and/or septic tank are ready for inspection and connection to the public sewer. The connection will be made under the supervision of the manager or his or her authorized representative. Back-filling of trenches prior to District approval is prohibited.

5.11 To the extent reasonably possible, all excavations for building sewer installation will be adequately guarded with barricades and lights so as to protect hazard. Streets, sidewalks, and other public property disturbed in the course of the work will be restored in a manner satisfactory to the District.

5.12 The owner of property served by a building sewer will be responsible for maintenance and repair of the point where the building sewer is connected to a District sewer main or the point where a District installed lateral hooks to the property. The responsibility includes responsibility for any costs of maintenance, repair, damage, and or injury. The owner will be liable for any damage to the District system caused by an act of the owner and/or its tenants, agents, employees, contractors, licensees, and/or permittees. If any break, leak, and/or other damage to a building sewer occur, the owner of the property served by the building sewer will cause repairs to be made immediately to minimize any sewer spillage.

## **6. Use of Public Sewers.**

6.1 No person will discharge, or cause to be discharged any of the following described waters, objects, substances, products, and/or wastes to any public sewers:

6.1.1 Any storm water, surface water, ground water, roof runoff, subsurface drainage, unreasonably large amounts of uncontaminated cooling water, and/or unpolluted process waters to any sanitary sewer;

6.1.2 Any gasoline, benzene, naphtha, fuel oil, and/or other flammable or explosive liquid, solid, and/or gas;

6.1.3 Any waters or waste containing toxic or poisonous solids, liquids, and/or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, and/or create any hazard in the effluent disposal system of the sewage treatment plant, including, without limitation, cyanides in excess of 0.5mg/l as CN in the waste as discharged to the public sewer;

6.1.4 Any water or wastes having a pH lower than 5.5 or greater than 9.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the sewage works;

6.1.5 Solid or viscous substances in quantities or of such size capable of causing obstruction of the flow in sewers, or other interference with the proper operation of the sewage works, including, without limitation, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, and milk containers, either whole or ground by garbage grinders;

6.1.6 Ceramic dusts or particles or other abrasive substances; and/or;

6.1.7 Any water received through infiltration or inflow.

6.2 No person will discharge, or cause to be discharges, any of the following described substances, materials, waters, and/or wastes if it appears likely in the opinion of the District that such wastes can harm either the sewers, sewage treatment process, and/or equipment, have an adverse effect on the effluent disposal system, and/or can otherwise endanger life, limb, public property, and/or constitute a nuisance. In review of the acceptability of these wastes, District will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are;

6.2.1 Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius);

6.2.2 Wastewater containing more than 25 milligrams per liter or petroleum oil, non-biodegradable cutting oils, and/ or product of mineral oil origin;

6.2.3 Wastewater from industrial plants containing floatable oil, fat, and/or grease;

6.2.4 Any garbage that has not been property shredded. Garbage grinders are discouraged;

6.2.5 Any waters or wastes containing iron, chromium, copper, zinc, lead, and/or similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, such degree that any such material received in the composite sewage at the sewage treatment works exceeds established District limits.

6.2.6 Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits that may be established by the District as necessary, after treatment of the composite sewage, to meet the requirements of the state or federal government;

6.2.7 Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by state or federal regulations;

6.2.8 Quantities of flow, concentrations, or both which constitute "slug" as defined in this Ordinance;

6.2.9 Water or wastes containing substances which are not amendable to treatment or reduction by the sewage treatment process employed, and/or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of the state and federal agencies having jurisdiction over discharge to the receiving water; and/or

6.2.10 Any water or wastes which by interaction with other water or wastes in the public sewer system, release obnoxious gases, from suspended solids which interfere with the collection system, and/or create a condition deleterious to structures or treatment processes.

6.3 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 Section 6.2, and which in the judgment of the District may have a deleterious effect upon the sewage works, process, equipment, and/or receiving water, or which otherwise create a hazard to life or constitute a public nuisance, the District may;

6.3.1 Reject the wastes;

6.3.2 Require pretreatment to an acceptable condition for discharge to the public sewers;

6.3.3 Require control over the quantities and rate of discharge; and/or

6.3.4 Require payment to cover the added costs of abating, handling, and/or treating the waste not covered by sewer charges. Such costs may be collected in the manner provided by ORS 454-225 by certification and presentation to the Klamath County Tax Assessor for assessment on the general tax roll and/or any other manner permitted under this Ordinance and/or applicable law.

6.3.5 If the District permits pretreatment or equalization of waste flows, the design and installation of the plants and equipment will be subject to the review and approval of the District and subject to the requirements of the applicable codes, ordinances and laws.

6.4 Grease, oil, and sand interceptors will be provided when, in the opinion of the District, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors will not be required for private living quarters or dwelling units. All interceptors will be of a type and capacity approved by the District and will be located as to be readily and easily accessible for cleaning and inspection. Interceptors will be inspected, cleaned, and repaired regularly, as needed and in accordance with applicable law, at the user's expense. All records for inspections, cleaning, and repair must be maintained and readily available for review by District staff. Inspection, cleaning, and hauling will be performed by certified and licensed septic haulers or recyclers.

If an owner fails to properly remove and dispose of captured material by appropriate means, as determined by the District, the District may perform any and all such necessary removal and disposal and the property owner will be responsible for any and all costs incurred by the District. The District may collect any incurred charges or costs in the manner provided by ORS 454.225 by certification and presentation to the Klamath County Tax Assessor for assessment on the general tax roll and/or any other manner permitted under this Ordinance and/or applicable law.

6.5 Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they will be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.



6.6 When required by the District, the owner of any property serviced by a building sewer carrying industrial wastes will install an industrial waste water monitoring station together with each necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such stations, when required, will be accessible and safely located, and will be constructed in accordance with plans approved by the District. The station will be installed by the owner at the owner's expense, and will be maintained by the owner at the owner's expense, and will be maintained by the owner so as to be safe and accessible at all times.

6.7. All measurements, tests, and analysis of the characteristics of water and wastes to which reference is made in this Section 6 will be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies will be determined on an individual basis, subject to approval by the District.

6.8 No statement contained in the Section 6 will be construed as preventing any special agreement or arrangement between District and an industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment, subject to payment therefore by the industrial concern.

6.9 The District's acceptance of wastes identifies in Section 6.2, with any conditions attached pursuant to Sections 6.3 through 6.8, will be memorialized in a signed agreement with terms acceptable to the District.

7. **Powers and Authority if Inspectors.** The District will have the right to enter all private properties through which the District holds a duly negotiated easement for the purposes of inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities laying within the easement. All entry and subsequent work, if any, on the easement will be done in accordance with the terms of the duly negotiated easement and pertaining to the private property involved. This Section 7 does not limit or impair the access provided the District under Section 10.

## 8. Appeals Procedure.

8.1 Any person aggrieved by a ruling or interpretation of Sections 1-8 of this Ordinance may appeal the ruling or interpretation by filing a notice of appeal with the District manager and Board. The notice of appeal must be filed within ten (10) business days after the date of notice of the ruling or interpretation is delivered to the person. The notice of appeal must contain (a) the name, address, and telephone number of the appellant, (b) a copy of the ruling or interpretation being appealed, and (c) the basis for the appeal, describing with reasonable specificity why the ruling or interpretation was issued in error.

8.2 The District Manager and/or Board will conduct an informal hearing on the matter and after consideration of the material presented by the appellant as well as material from the District, the District Manager and/or Board will decide whether to approve or deny the appeal. If necessary, the Manager will prepare a written decision based upon the Manager's and/or Board's findings. The Manager will send his or her written decision, if applicable, to the appellant and the Board.

8.3 If the appellant determines that his or her appeal has **not** been handled to his or her satisfaction by the Manager and/or Board, he or she may within thirty (30) days after receipt of the District Manager's decision, request that the council complete an independent review of his or her appeal. The Manager will forward to the Board his or her entire file on the case for review of the Board. The Board will within thirty (30) days after receipt of the request for an independent review, prepare a written decision on the matter and send the decision to the appellant and the District manager. The Board's decision is final, conclusive, and binding.

## 9. **Application for Service.**

9.1 **Application.** Each applicant for sewer service will complete and sign an application form provided by the District which will include the date of application, location of premises, whether the applicant has been served before, the date on which service is to begin, the purpose for which service is to be issued, the address for mailing or delivery of bills, the applicant's address, and such other information as the District may require. In signing the application, an applicant agrees to abide by the District's rules and regulations for use of the sewer system. An applicant constitutes a written request for service and does not bind the District to provide sewer services.

9.2 **Non-Owner-Occupied Premises.** The owner(s) of non-owner-occupied premises will be jointly and severally liable for any and all sewer related fees, charges, expenses, losses, damages, and/or fines incurred by any and all tenant(s)/applicant(s) of the owner(s) non-owner-occupied premises, including, without limitation, any late and/or penalty fees. Upon the earlier of the District's request or when the application is made for sewer service at form and substance approved by the District Manager that the owner(s) will, in the event of nonpayment or delinquency, be jointly and severally liable to the District for the full payment of any and all sewer service related fees, charges, expenses, losses, damages, and/or fines incurred by the tenant(s)/applicant(s) of the owner(s), including, without limitation, any late and/or penalty fees. An owner's signature on the aforementioned agreement constitutes the owner's written consent, including, without limitation, for purposes of ORS 91.255. to District's transfer of a claim against any owner tenant(s)/applicant(s) to the owner in accordance with Section 11.5. The Board may establish by resolution at any time and from time to time a process for collecting outstanding sewer charges, expenses, losses, damages, and/or fines from the responsible parties.

9.3 **Sewer Use Agreements.** If the applicant's intended use of the public sewer triggers the requirement for a sewer use agreement as described in Section 6.9, the applicant will provide additional detail regarding the substances to be discharged and purpose pre-treatment, flow-equalizing facilities, and other measures as necessary to mitigate the impacts of the applicant's use on the system. The District Manager will then develop a sewer use agreement setting out the terms and conditions of service. Such agreement must be signed by the applicant and returned to the District or the application will be deemed incomplete.

9.4 **Deposit.** The District Manage may require an applicant to provide a deposit for the receipt of sewer service at the time of application and/or re-application for sewer service. No interest will be earned on any deposit and the amount thereof will be calculated so as to ensure that all District costs associated with the provision of sewer to the applicant by the District will be covered.

9.5 **Refund of Deposits.** Deposits will be refunded to a customer if the customer has timely and fully paid all amounts due the District from the customer for a period of at least Twelve (12) consecutive months.

9.6 **Refusal of Service.** An application may be denied for any of the following reasons:

9.6.1 The application is incomplete, not signed by the customer, or is ineligible;

9.6.2 The application requests service to a property location which would be difficult or impossible to provide without obtaining right-of-way or extending sewer lines;

9.6.3 The applicant, owner, and/or occupant have previously failed to pay duly imposed charges for the District sewer and/or other services. The District may refuse sewer service to the subject premises until such time as the District is provided adequate financial security (in a form approved by the District Manager) by the applicant, owner, and/or occupant that the delinquencies will be paid.

9.6.4 The sewer system is unable to supply the demand created by the proposed use without capital improvements to the existing system;

9.6.5 The applicant has been found in violation of any water and/or sewer ordinances, rules, and/or regulations two or more times;

9.6.6 The plumbing on the premises where services will be provided does not meet the standards required by any applicable federal, state, and/or local laws, regulations, and/or ordinances; and/or;

9.6.7 If applicable, the applicant has not agreed to the terms and conditions of a sewer use agreement as described in Section 9.3.

Applicants whose applications are denied will be notified in writing. The notice will state the reasons for denial, and explain the applicant's right of appeal. Such appeal rights and processes will be the same as that described in Section 12. Applicants whose application has been denied under Section 9.6.2 or 9.6.4 will be informed of the procedure for creating a reimbursement to the District to extend existing sewer lines, if applicable. Notice of denial will be mailed to the applicant's address as shown on the application. Notice will be effective as of the date of mailing.

10. **Access to Premises.** Notwithstanding anything contained in the Ordinance to the contrary, by requesting and receiving sewer service from the District, every customer grants the District and its authorized agents and employees the right and ability at all reasonable times to enter onto the customer's premises to determine the customer's compliance with the District's rules and regulations, including, without limitation, those rules and regulations concerning repairs, maintenance, delivery, and/or the receipt of sewer service.

## 11. Rates and Payments for Services.

11.1 **Sewer Rates.** The Board may establish and/or modify from time to time such sewer rates, fees, charges, fines, and penalties (which may or may not be contained in the fee schedule) related to the sewer system as the board deems necessary or appropriate by Board Resolution, including, without limitation, late fees and penalties.

11.1.1 Residential users may be considered to be one class of user and an equitable service charge may be determined for each such user based on a flat fee. The Board reserves the right to adjust individual residential fees if the resident uses excessive water flows as shown in the Rates Structure Resolution. The District may classify industrial, commercial, and other non-residential establishments as a residential user provided that the wastes from such establishments are equivalent to the wastes from the average residential user. Churches will be charges a lower monthly fee.

11.1.2 If the District elects, the District may classify certain users not satisfying or meeting the residential or commercial classification as special users. Special users will be placed in an open class and charged according to the user's wastewater contribution, as determined by the District Manager, and fees established from time to time by resolution of the Board.

11.1.3 The sewer charge for new development will commence immediately upon connection to the sewer system. No sewer charge credit will be given for any vacancy thereafter.

11.2 **Place of Payment.** All payments should be mailed or be made at the District at the Crescent Sanitary District office or associated drop box at the District office. The District may develop the ability to do on-line payments.

11.3 **Bill Payment.** Bills for use of sewer services and property of the District will be due, payable, and delinquent in accordance with the fee schedule and any related resolution(s) described under Section 11.1. All bills will be due and payable upon receipt. Accounts which have not been paid in full within fifteen (15) days of the due date indicated on the bill will incur the then applicable late fees and penalties. A late notice will be sent out on or about the thirtieth (30<sup>th</sup>) day following the due date indicating the amount of any late fee and penalties. Delinquent accounts assigned to the "delinquent list" will be assessed additional fees established by the District from time to time. Delinquent accounts over 90 days can be reported to the Klamath County tax assessor in July to impose a tax lien on the property.

**11.4 Tenant Accounts.** An owner of any non-owner-occupied premises will immediately notify the District if the non-owner occupied premises (or any unit thereof) become vacant. Until the owner provides the vacancy notice required under the immediately preceding sentence, the owner(s) will be required to pay for the sewer service made available and/or provided to the vacant non-owner-occupied premises (or unit thereof). Prior to transferring delinquent status to the occupant/applicant and mail a copy of the notice of delinquency by first class mail to the last address of the owner's agent that is on file with the District within thirty (30) days from the time the date the notice of delinquent status is mailed to the owner's agent of the premises. The transfer does not relieve the tenant of the obligation to pay the claim.

**11.5 System Development Charges.** System development charges will be levied upon each new building, structure, or fixture unit attached to the sewer system at the time of initial attachment, or upon resizing of a connection to accommodate a new service pipe larger than three-quarters (3/4") inside diameter.

**12. Notice and Right to Challenge Application Denial/Service Termination.**

**12.1 Notice.** Notice for termination of sewer service as a result of a violation of this Ordinance will be as described in Section 11.3 of this Ordinance.

**12.2 Appeals Process.** The process and procedure for denial of an application and termination of service is described in Section 8 of this Ordinance.

**13. Declaration of Sewer Emergency-Water Restrictions.** The District Manager may, upon receiving reliable emergency. Upon declaration of a sewer emergency, the District manager and/or the Board may impose such restrictions upon the use of the sewer as is deemed necessary or appropriate to protect the health, safety, and welfare of the citizens of the affected area. The District manager will use reasonable means to notify the public of the restrictions imposed. At the next Board meeting following imposition of the restrictions, the District manager will present a report describing the nature of the emergency, the expected duration of the emergency, and the steps taken to alleviate the emergency. The Board may, at any meeting subsequent to the emergency, confirm, alter, amend, and/or terminate the restrictions imposed by the District manager by resolution. No person will violate the terms of any restriction or condition placed upon the use of water by the District manager or the Board pursuant to Section 13. It will be no defense to a charge of violation that the person cited had no knowledge of the terms of the restriction.

**14. Sewer Charge Liens.** Sewer service charges will be a lien against the premises served from and after the date of billing and entry on the ledger or other records of the District pertaining to the sewer system, and such ledger or other records will remain accessible for inspection by anyone interested to ascertain the amount of such charges against the premises. Whenever a bill for sewer service remains unpaid ninety (90) days after it has been rendered, the lien thereby created will be collectible using one or more of the following procedures at the District's option; (a) foreclosure in a manner provided for in ORS 450, and ORS 223.610; (b) in a manner provided under ORS 454.225, as amended, by certification and presentation to the Klamath County Tax Assessor for assessment on the general tax roll; and/or (c) any other manner or action provided for by law or District ordinance.

15. **Prohibited Acts.** Unless authorized by the District, it is unlawful for any persons to do, commit, and/or assist in committing any of the following things or acts in the District: (a) to make any connection to the District system any structure, appurtenance, or equipment appertaining to the sewer system; (c) to excavate within any area subject to a recorded easement granting District access and installation rights for wastewater facilities without first

obtaining the District's approval; (d) to construct any structure over or within ten (10) feet of any wastewater facility without first obtaining the District's approval; (e) to resort to any fraudulent device or arrangement for the purpose of procuring sewer service for a customer or others from private connections on premises contrary to the District regulations or ordinances; and/or (f) to violate any emergency sewer restriction by the District manager or Board.

16. **District Enforcement, Violation – Civil Penalty; Other Relief.** The District will enforce the provisions of this Ordinance by administrative, civil, and/or criminal action as necessary to obtain compliance with this Ordinance. Any person violating any provision of Section 16, or any other provision of this Ordinance, will be subject to a civil penalty not to exceed the sum of Two Thousand Five Hundred Dollars (\$2500.00) for each violation. Each violation of any provision of this Ordinance, and every day that such Ordinance violation exists, will be considered a separate violation. In addition to the foregoing civil penalties, the District may seek, in a court of competent jurisdiction, such other and additional relief (including all legal and equitable relief and remedies) available under applicable law as well as recovery of its costs and attorney fees. The District will be entitled to collect from any other fees, costs, and expenses incurred by the District to enforce this Ordinance. The remedies provided in this Section 17 are not exclusive and will not prevent the District from exercising any other rights and/or remedies available under law.

17. **Amend, Replace, and Supersede.** This Ordinance amends, replaces, and/or supersedes the Sewer Ordinance and all ordinances, resolutions, and/or policies in conflict with this Ordinance; provided, however, (a) this Ordinance does not affect the transfer of the Sewer District to any other entity (b) this Ordinance does not relieve any person of any obligations that may have accrued under the Sewer Ordinance prior to the effective date of this document.

18. Ordinance, (c) the District may continue the enforcement, prosecution, conviction, and/or punishment of any person who has or will violate the Sewer Ordinance prior to the effective date of this Ordinance, and (d) the sewer rates, fees, deposits, and or other charges provided or contemplated under the Sewer Ordinance will continue in full force and effect until amended, repealed, and/or superseded by Board resolution.

19. **Interpretation; Severability; Errors.** All pronouns contained in this Ordinance and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. Any reference to a particular law, rule, regulation, code or ordinance as now in force and which may hereafter be amended. The provisions of this Ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsequent, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforcement, and/or constitutionality of the remaining portion of this Ordinance. This Ordinance may be corrected by order of the council to cure editorial and/or clerical errors.

20. **Emergency Declaration.** The Board finds that passage of this Ordinance is necessary for the immediate preservation of the peace, health, and safety of the District's citizens by insuring that uniform rules and equitable rates are prescribed for the furnishing and use of sewer services. The Board further finds that a delay of thirty (30) days prior to the effective date of this Ordinance may result in acts, omissions, and/or conditions detrimental to the public welfare. Therefore, an emergency is declared to exist and this Ordinance will be in full force and effect upon its adoption by the council and signed by the Board President.

**IN WITNESS WHEREOF, this Ordinance was passed by the Board by a vote of \_\_\_\_\_ "for" \_\_\_\_\_ "against" and APPROVED by the Board President on \_\_\_\_\_ 2022.**

**Kim Mathers, President of the Board**

**Crescent Sanitary District**

**EXAMPLE #3**

**CITY OF REDMOND**

**SEWER SERVICE CODE**



## SEWER SERVICE

### Sec. 4.300. Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in Sections 4.300 to 4.348 shall have the meanings hereinafter designated:

*Act or "the Act"*. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Section 1251 et seq.

*Authorized or Duly Authorized Representative of the User.*

1. If the User is a corporation:
  - A. The president, secretary, treasurer, 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 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 User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
3. If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance or the activities of the government facility, or their designee.
4. The individuals described in Subsections (1. through 3.) above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

*Best Management Practices or BMPs.* Schedules of activities, practice prohibitions, maintenance procedures and other practices implementing Section 4.326(1.) and (2.) 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.

*Biochemical Oxygen Demand or BOD.* The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five days at 20 degrees centigrade usually expressed as a concentration (e.g., mg/l).

*Building Sewer (Sewer Service Lateral).* That part of the horizontal piping of a drainage system that extends from the end of the building drain and that receives the discharge of the building drain and conveys it to a public sewer, private sewer, private sewage disposal system or other point of disposal.

*Bypass.* The intentional diversion of wastestreams from any portion of a User's treatment facility.

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*Categorical Pretreatment Standard or Categorical Standard.* Any regulation containing pollutant discharge limits promulgated by EPA consistent with Sections 307(b) and (c) of the Act (33 U.S.C. Section 1317) that apply to a specific User category appearing in 40 CFR Chapter I, Subchapter N, Parts 405-471.

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

*City.* The City of Redmond, Oregon, the City Manager (or designee), or City Council thereof, each as appropriate to the context in which used.

*Combined Sewer.* A sewer receiving both surface runoff and sewage.

*Control Authority.* The City of Redmond, Oregon.

*Daily Maximum.* The highest value of all effluent samples for a pollutant collected during a calendar day.

*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 highest value measurement of the pollutant concentration derived from all measurements taken that day.

*Director or Director of Public Works.* The person designated by the City to supervise the use, maintenance or operations of the POTW charged with certain duties or responsibilities by Sections 4.300 to 4.348. The term includes an authorized representative of such person or the City.

*Drywell.* A well (including bore holes and drill holes) other than a subsurface fluid distribution system, completed so that its bottom and sides are typically dry except when receiving fluids.

*Environmental Protection Agency or EPA.* The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator or other duly authorized official of said agency.

*Existing Source.* Any source of discharge that is not a "New Source."

*Food Service Establishment (FSE).* A facility that engages in activities of preparing or serving food or beverage for consumption by person(s) either on or off the premises, including but not limited to restaurants, cafes, commercial kitchens, caterers, hotels and motels, schools, hospitals, prisons, correctional facilities, nursing homes, care institutions, and any other facility preparing and serving food for consumption.

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

*Grab Sample.* A sample taken from a wastestream without regard to the flow therein over a period not exceeding 15 minutes.

*Indirect Discharge or Discharge.* The introduction of pollutants into the POTW from any source.

*Instantaneous Limit.* The maximum allowable concentration of a pollutant dischargeable at any time, determined from analysis of discrete or composited sample collected, independent both of the industrial flow rate and duration of the sampling event.

*Interceptor.* An appurtenance or appliance installed in a sanitary drainage system to intercept or separate certain wastes from wastewater. This term includes but is not limited to grease interceptors, oil/water separators, sand or sediment interceptors, lint interceptors and hair interceptors.

*Interference.* A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal or is a cause of a violation of the City's WPCF permit or of the prevention of sewage sludge use or disposal in compliance with any statutory/regulatory provisions which the POTW is subject to including Section 405 of the Act; the Solid

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Waste Disposal Act, including the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and, the Marine Protection, Research, and Sanctuaries Act.

*Local Limits.* City developed and enforced discharge limits imposed on Users to implement discharge prohibitions listed herein and in 40 CFR 403.5(a)(1) and (b).

*Medical Waste.* Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

*Monthly Average.* The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

*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.

*Natural Outlet.* Any outlet into a water-course, pond, ditch, lake or other body of surface or groundwater, or onto the ground.

*New Source.*

1. 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 applicable to such source if such Standards are thereafter promulgated consistent with that section, provided that:
  - A. The building, structure, facility or installation is constructed at a site at which no other source is located; or
  - B. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
  - C. The production or wastewater 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.
2. Construction on an Existing Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Subsection (1.B.) or (1.C.) above but which otherwise alters, replaces or adds to existing process or production equipment.
3. Construction of a New Source shall be deemed to commence if the owner or operator has:
  - A. Begun, or caused to begin, as part of a continuous onsite construction program:
    1. Any placement, assembly, or installation of facilities or equipment; or
    2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities necessary for placement, assembly or installation of new source facilities or equipment; or
  - B. Entered into a contractual obligation for purchase of facilities or equipment intended for use in its operations 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" for purposes of this subsection.

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*Noncontact Cooling Water.* Water used for cooling not coming into direct contact with any raw material, intermediate product, waste product or finished product.

*Out-of-city.* Any property partly or wholly outside the boundary of the city.

*Pass Through.* A discharge exiting the POTW in quantities or concentrations which, alone or in conjunction with discharge(s) from other sources, is violative of any requirement of the City's WPCF permit, including an increase in the magnitude or duration of a violation.

*Person.* Any individual, partnership, co-partnership, firm, company, corporation, unincorporated association, joint stock company, trust, estate, governmental entity or other entity; their legal representatives, agents or assigns.

*pH.* A measure of the acidity or alkalinity of a solution expressed in standard units.

*Pollutant.* Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial waste, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

*Pretreatment.* 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 POTW. The reduction or alteration may be obtained by physical, chemical, or biological processes, process changes or by other means, except as prohibited by 40 CFR 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR 403.6(3).

*Pretreatment Requirements.* Any substantive or procedural requirement related to pretreatment imposed on a User other than a Pretreatment Standard.

*Pretreatment Standards or Standards.* Means prohibited discharge standards, Categorical Pretreatment Standards, and Local Limits.

*Prohibited Discharge Standards or Prohibited Discharges.* Prohibitions against the discharge of certain substances; appear in Section 4.326.

*Properly Shredded Garbage.* Wastes from the preparation, cooking and dispensing of food that have been shredded such that all particles will be carried freely under normal flow conditions prevailing in public sewer, with no particle larger than ½-inch in any dimension.

*Publicly Owned Treatment Works or POTW.* A City owned treatment works including devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes of a liquid nature as well as conveyances conveying wastewater to and effluent from a treatment plant.

*Public Sewer.* A common sewer directly controlled by the City to which all owners of abutting properties have equal rights to make connection and use, subject to rules, regulations, code provisions and ordinances of the City.

*Sanitary Sewer.* A sewer which carries sewage and/or other wastewater and to which storm, surface and groundwaters are not intentionally admitted.

*Septic Tank Waste.* Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

*Service Connection.* The sewer between the property line and the lateral, main or trunk sewer of the city sewer system.

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*Severe Property Damage.* Substantial physical damage to property, damage to the treatment facilities which causes them 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.

*Sewage.* Any liquid waste containing human, animal or vegetable matter in suspension or solution and that may include liquids containing chemicals in solution.

*Sewer.* A pipe or conduit for carrying sewage and/or other wastewater.

*Shall* is mandatory; *may* is permissive.

*Significant Noncompliance.* A Significant Industrial User is in significant noncompliance if its violation meets one or more of the following criteria and any Industrial User is in significant noncompliance if it violates Subsections (3.), (4.), or (8.) of this definition:

1. Chronic violations of wastewater Discharge limits, defined here as those in which 66 percent or more of all the measurements taken for the same pollutant parameter during a six-month period exceed (by a magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);
2. Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
3. Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW 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 a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B) to halt or prevent such a discharge;
5. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
6. Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90 day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
7. Failure to accurately report noncompliance;
8. Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment program.

*Slug Load or Slug Discharge.* Any discharge at a flow rate or concentration, which could cause a violation of the discharge standards in Section 4.326. A Slug Discharge includes discharges of a non-routine, episodic nature, such as accidental spills or non-customary batch discharges which could be Interference, Pass Through or in any way violate POTW's regulations, Local Limits or Permit conditions, including discharges exceeding the hydraulic and/or design capacity of a User's treatment system.

*Stormwater.* Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

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

*User.* A source of Indirect Discharge.

*User, Categorical Industrial.* A User subject to a Categorical Pretreatment Standard or Categorical Standard.

*User, Domestic.* A User discharging wastewater from activities occurring in residential dwellings and not including commercial, institutional or industrial activities. Final determination of a Domestic User is at the discretion of the Director.

*User, Non-domestic.* A source of Indirect Discharge not coming from a Domestic User. This class of User includes commercial, industrial, institutional and others not solely discharging domestic wastewater. Final determination of a Non-Domestic User is at the discretion of the Director.

*User, Significant Industrial (SIU).* Except as provided in Subsection (3.) of this definition, a Significant Industrial User is:

1. A User subject to Categorical Pretreatment Standards; or
2. A User that:
  - A. Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
  - B. Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
  - C. Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
3. Upon a finding that a User meeting the criteria in Subsection (2.) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the City may at any time, on its own initiative or in response to a petition received from that User, and in accordance with procedures in 40 CFR 403.8(f) (6), determine that such User should not be considered a Significant Industrial User.

*Wastewater.* Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

*Wastewater Discharge Permit.* An authorization or equivalent control document that may be issued by the City to users discharging wastewater to the POTW. The permit may contain appropriate pretreatment standards and requirements as set forth in this ordinance.

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

*Water Course.* A channel in which a flow of water occurs either continuously or intermittently.

The following abbreviations, when used in this ordinance, shall have the designated meanings:

BOD - Biochemical Oxygen Demand

BTEX - Benzene, Toluene, Ethylbenzene, and Xylene

BMP - Best Management Practice

BMR - Baseline Monitoring Report

CFR - Code of Federal Regulations

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CIU - Categorical Industrial User  
COD - Chemical Oxygen Demand  
EPA - U.S. Environmental Protection Agency  
gpd - gallons per day  
mg/l - milligrams per liter  
POTW - Publicly Owned Treatment Works  
RCRA - Resource Conservation and Recovery Act  
SIU - Significant Industrial User  
SNC - Significant Noncompliance  
TSS - Total Suspended Solids  
U.S.C. - United States Code  
WPCF - Water Pollution Control Facility

(Ord. No. 98-03, 1-13-1998; Ord. No. 2009-15, 12-8-2009; Ord. No. 2013-08, 7-16-2013; Ord. No. 2017-05, 5-23-2017)

#### **Sec. 4.302. Public Sewer Connection Required.**

1. The owner of any building in the City and abutting any street, alley or right-of-way where a public sanitary sewer is located shall, at the owner's sole cost and expense, connect the building directly thereto consistent with Sections 4.300 to 4.348. For building sewer construction, the connection shall be made within 120 days from the date of official notice provided the sewer is within 200 feet of the building or within 300 feet of a property injecting sewage into a drywell. The owner shall extend the sewer main to and through the owner's property frontage. This connection requirement shall not inhibit the right of the City to cause removal of the connection as a result of violations of this chapter. For existing facilities that use drill holes for sewage disposal, the drill hole must be closed in a manner consistent with Oregon rules and connection shall be made within 90 days from the date of public sewer service availability to the property, provided the sewer is within 300 feet of property and is otherwise consistent with Oregon requirements. The notice shall be sent by first class mail to all owners of property abutting any street, alley or right-of-way where a public sewer is available.
  - A. Single-family dwellings and buildings or structures accessory thereto, existing and connected to an approved private sewage disposal system prior to the time of connecting the premises to the public sewer shall be permitted, when no hazard, nuisance, or insanitary condition is evidenced and written permission has been obtained from the authority having jurisdiction, remain connected to such properly maintained private sewage disposal system when there is insufficient grade or fall to permit drainage to the sewer by gravity and if otherwise consistent with Oregon requirements.
2. No person shall place, deposit or permit to be placed or deposited on public or private property in the city any human or bulk animal excrement, garbage, sewage or other objectionable waste.
3. No person shall cause or suffer the release to any natural outlet any sanitary sewage, industrial wastes or other items, except where treatment has been provided consistent with Sections 4.300 to 4.348.
4. In the event a property's connection to a public sewer is impractical, the owner or person lawfully in possession thereof (if different) may, during the 120 day period described in Subsection (1.) above, file

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written objections with the City Manager, briefly describing the nature of the impracticality. The City may not enforce this section until the City Manager renders his/her decision on the objections.

(Ord. No. 95-23, 11-28-1995; Ord. No. 2009-15, 12-8-2009; Ord. No. 2013-08, 7-16-2013; Ord. No. 2017-05, 5-23-2017)

#### **Sec. 4.304. Private Sewage Disposal.**

1. Except as provided by this chapter, no person shall construct, maintain, operate or use any privy, privy vault, septic tank, cesspool, or other private sewage disposal system.
2. If a public sewer is not available a building sewer shall be connected to a lawfully installed and maintained private sewage disposal system. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.
3. If a public sewer becomes available to a building served by a private sewage disposal system, a connection from the building shall be made to the public sewer consistent with the requirements of this chapter. The private sewage disposal facilities shall be abandoned, removed or filled with suitable material unless the Director otherwise permits. No connections shall be made to the effluent side of existing septic tanks or cesspools.
4. Persons owning operating public or private sewers in the City shall provide the City, if requested two sets of plans for the existing system. Changes or additions to the public or private sewer system shall be provided the City within 60 days of the change or addition being made.

(Ord. No. 2013-08, 7-16-2013)

#### **Sec. 4.306. Sewer Construction Permits.**

1. Other than building sewers and service connections, public or private sewers require a city permit prior to construction. Applications for a permit shall be on a form supplied by the City. The application shall be submitted with at least three sets of construction plans and specifications. The construction plans and specifications shall be prepared and submitted under the signature and seal of a registered, professional engineer. This permit is in addition to any other permits or approvals that may be required by any federal, state or local agency.
2. City standard specifications shall be followed for design or construction of sewer works. Standard specifications may be obtained from the Public Works Department upon request, at a fee established by Council.

(Ord. No. 89-05, 4-25-1989; Ord. No. 97-37, 10-14-1997; Ord. No. 2013-08, 7-16-2013)

#### **Sec. 4.308. Connection Permits.**

1. No unauthorized person shall uncover, make connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City.
2. There are two classes of building sewer permits: (1) residential and commercial service, and (2) service to establishments producing industrial wastes. In either, the owner or owner's agent shall make application on a special form furnished by the City. The permit application shall include plans, specifications, or other information considered pertinent by the Director. Permit and inspection fees shall be paid the City in advance, consistent with the schedule established by the Council, at the time the application is filed.



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3. Each applicant must agree to conform to the rules and regulations for connection to the public sewer, and shall give the location of the property, street number of the building or buildings to be connected, name of the owner of the property to be connected, name of the person, firm or corporation engaged to make the connection, and such other information or plans as may be required by the City, including real property description.

(Ord. No. 2013-08, 7-16-2013)

#### **Sec. 4.310. Connection Inspections.**

1. Reasonable notice shall be given the City to inspect all sewer connections before their completion and while the connections are still uncovered. All work, including trench backfill, must be done consistent with specifications prescribed by the City and subject to the approval of the City.
2. *Materials and Manner of Construction.* Service connections and building sewers shall be constructed to conform to provisions of the City of Redmond Standard Specifications and the Oregon Plumbing Specialty Code. Physical connection to public sewer mains shall be made only by an individual authorized by the Director.

(Ord. No. 89-05, 4-25-1989; Ord. No. 2013-08, 7-16-2013; Ord. No. 2017-05, 5-23-2017)

#### **Sec. 4.312. Connection Costs.**

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

#### **Sec. 4.314. Building Sewers.**

1. Existing building sewers may be used in connection with new buildings only when the Director determines, based on examination and test, that the system meets all requirements of this chapter.
2. The connection of the building sewer shall be made to the public sewer. If no service connection is available at a suitable location, the owner shall be responsible for connecting to the gravity sewer as follows:
  - A. The City shall install a tap in the public sewer at the location specified by the Director after the owner has exposed the public sewer. The building sewer shall be to and connected to the tap as directed by the Director at no expense to the City. The owner shall be responsible for all costs incurred by the City in connection to the public sewer.
3. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as 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.

(Ord. No. 97-37, 10-14-1997; Ord. No. 2009-15, 12-8-2009; Ord. No. 2013-08, 7-16-2013)

#### **Sec. 4.316. (Reserved)**

Editor's note(s)—Section 4.316 "Sewage Discharge Requirements" was deleted by Ord. No. 2009-15 passed December 8, 2009.

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**Sec. 4.318. Protection from Damage.**

1. No unauthorized person shall enter any city sewer, manhole, pumping station, treatment plant, or appurtenant facility. No unauthorized person shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the public sewer.
2. No person other than an authorized employee or agent of the City shall operate, change or affect the operation of any city sewer, pumping station, treatment plant or facility.
3. A violation of this section is a Class A civil infraction.

(Ord. No. 2013-08, 7-16-2013)

**Sec. 4.320. (Reserved)**

Editor's note(s)—Section 4.320 "Industrial Cost Recovery" was deleted by Ord. No. 2009-15 passed December 8, 2009.

**Sec. 4.322. (Reserved)**

Editor's note(s)—Section 4.322 "Powers and Authority of Inspectors" was deleted by Ord. No. 2009-15 passed December 8, 2009.

**Sec. 4.324. Powers and Authority.**

1. This chapter sets forth requirements for Users of the City's POTW and enables the City to comply with applicable State and Federal laws and regulations, including the Clean Water Act (33 United States Code [U.S.C.] Section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403). The objectives of this ordinance are:
  - A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
  - B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, or otherwise be incompatible with the Publicly Owned Treatment Works;
  - C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
  - D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
  - E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
  - F. To enable the City to comply with its Water Pollution Control Facility permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This chapter applies to all Users of the POTW.

2. Except as otherwise specifically provided herein, the Director shall administer, implement and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the Director may be delegated by the Director.

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(Ord. No. 2009-15, 12-8-2009; Ord. No. 2013-08, 7-16-2013)

#### **Sec. 4.326. Prohibited Discharge Standards.**

1. *General Prohibitions.* No User shall introduce, cause to be introduced or store in such a manner that they could be introduced to the POTW, any pollutant or wastewater which causes Pass Through or Interference. These prohibitions apply to all Users of the POTW whether or not they are subject to Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.
2. *Specific Prohibitions.* No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
  - A. Pollutants creating a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system, be more than five percent nor any single reading over ten percent of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides;
  - B. Wastewater having a pH less than 5.0, or equal to or greater than 12.5, or otherwise causing corrosive structural damage to the POTW or equipment;
  - C. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference but in no case solids greater than one-half inch or one and two-tenths centimeters in any dimension;
  - D. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
  - E. Wastewater having a temperature greater than 150 degrees F (65.5 degrees C), or 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);
  - F. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
  - G. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
  - H. Trucked or hauled pollutants, except at discharge points designated by the Director in accordance with Section 4.337(5.) of this ordinance;
  - I. 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;
  - J. 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 plant's effluent;
  - K. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;

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- L. Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the Director;
  - M. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
  - N. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
  - O. Detergents, surface-active agents, or other substances that might cause excessive foaming in the POTW;
  - P. Materials from cesspools and septic tanks, except as specifically authorized by the Director in a wastewater discharge permit.
  - Q. Grease, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, glass grinding or polishing wastes, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, and similar substances.
  - R. Persistent pesticides and/or pesticides regulated by the Federal Insecticide Fungicide Rodenticide Act (FIFRA).
  - S. Where treatment technologies are available (including BMPs), users shall not discharge wastewater without treatment.
  - T. Any water or wastes potentially contaminated with (1) transmissible spongiform encephalopathy agents from diseases such as chronic wasting disease, bovine spongiform encephalopathy, scrapie, Creutzfeldt-Jakob disease, (2) foot-and mouth disease agents, or (3) anthrax, except by written permission of the City.
  - U. Bulk, expired, outdated, concentrated, or unused prescription or non-prescription drugs.
3. Introduction of any additive into a User's wastewater system for the purpose of emulsifying oil and/or grease, for oil and/or grease remediation, or as a supplement to interceptor maintenance is prohibited without prior written authorization by the Director.

(Ord. No. 2009-15, 12-8-2009; Ord. No. 2013-08, 7-16-2013; Ord. No. 2017-05, 5-23-2017; Ord. No. 2018-05, 5-22-2018)

#### **Sec. 4.328. National Categorical Pretreatment Standards.**

- 1. Users must comply with the Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471.
- 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 4.328(6.) and (7.).
- 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 imitations applicable to individual 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).

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5. A CIU may obtain a net/gross adjustment to a Categorical Pretreatment Standard in accordance with the following subsections of this Section.
- A. Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the User's intake water in accordance with this Section. Any User wishing to obtain credit for intake pollutants must make application to the City. Upon request of the User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of Subsection (B.) of this section are met.
  - B. Criteria.
    - 1. Either (i) The applicable Categorical Pretreatment Standards contained in 40 CFR Subchapter N specifically provide that they shall be applied on a net basis; or (ii) The User demonstrates that the control system it proposes or uses to meet applicable Categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.
    - 2. Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
    - 3. Credit shall be granted only to the extent necessary to meet the applicable Categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this section.
    - 4. Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The City may waive this requirement if it finds that no environmental degradation will result.
6. When a Categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, a User may request the City convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the Director's discretion. The City may establish equivalent mass limits only if the User meets all the conditions set forth in Sections 4.328(6.A.1.) through 4.328(6.A.5.) below.
- A. To be eligible for equivalent mass limits, the User must:
    - 1. Employ, or demonstrate it will employ water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
    - 2. Currently uses control and treatment technologies adequate to achieve compliance with the applicable Categorical Pretreatment Standards, and not have used dilution as a substitute for treatment;
    - 3. 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;
    - 4. 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
    - 5. Have consistently complied with all applicable Categorical Pretreatment Standards during the period prior to the User's request for equivalent mass limits.
  - B. A User subject to equivalent mass limits must:

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1. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
  2. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
  3. 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 Subsection (6.A.3.) 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
  4. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to Subsection (6.A.1.) of this section so long as it discharges under an equivalent mass limit.
- C. When developing equivalent mass limits, the Director:
1. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable Categorical Pretreatment Standard and the appropriate unit conversion factor;
  2. 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
  3. May retain the same equivalent mass limit in subsequent wastewater discharge permit terms if the 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 4.336. The User must also be in compliance with Section 4.347(3.A. through 3.C.) regarding the prohibition of bypass.
7. 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 Users. The conversion is at the discretion of the Director.
  8. Once included in its permit, the User must comply with the equivalent limitations developed in this Section 4.328 in lieu of the promulgated Categorical Standards from which the equivalent limitations were derived.
  9. Many Categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or four-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.
  10. Any User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Director within two 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.

(Ord. No. 2009-15, 12-8-2009; Ord. No. 2013-08, 7-16-2013)

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### Sec. 4.330. State Pretreatment Standards.

State of Oregon requirements and limitations on discharges to the POTW shall be met by Users subject to such standards in any instance(s) where they are more stringent than federal requirements or those in this ordinance. These standards include, but are not limited to those found in Oregon Administrative Rules (OAR) Chapter 340.

(Ord. No. 2009-15, 12-8-2009; Ord. No. 2013-08, 7-16-2013]

### Sec. 4.332. Local Limits.

1. The Director is authorized to establish and revise Local Limits pursuant to 40 CFR 403.5(c). The following pollutant limits are established to protect against Pass Through and Interference. No Significant Industrial User or other permitted user shall discharge wastewater containing in excess of the following pollutant limits:

A.

Concentration	Pollutant	Limiting Parameter	Limit Duration
1.05 mg/l	Arsenic	Pass through	Daily maximum
0.34 mg/l	Cadmium	Sludge quality	Daily maximum
2.03 mg/l	Chromium	Pass through	Daily maximum
1.23 mg/l	Copper	Inhibition	Daily maximum
1.72 mg/l	Cyanide	Inhibition	Instantaneous maximum
2.14 mg/l	Lead	Sludge Quality	Daily maximum
0.15 mg/l	Mercury	Sludge Quality	Daily maximum
1.81 mg/l	Molybdenum	Sludge Quality	Daily maximum
4.32 mg/l	Nickel	Inhibition	Daily maximum
100 mg/l	Non-Polar Oil & Grease	Inhibition	Instantaneous maximum
300 mg/l	Polar Oil & Grease	Inhibition	Instantaneous maximum
6.0 to 10.5 SU	pH	Inhibition	Instantaneous minimum/maximum
0.42 mg/l	Selenium	Pass through	Daily maximum
4.72 mg/l	Silver	Pass through	Daily maximum
2.98 mg/l	Zinc	Inhibition	Daily maximum

1. In the case of continuous recording of pH in a continuously flowing (non-batch) discharge, a violation of these limits shall have occurred if the continuous recording pH instrument indicates that the pH of the discharge:
  - a. Is lower than 6.0 SU or greater than 10.5 SU, for more than 60 minutes in any individual excursion, or for more than seven hours and 26 minutes in any calendar month; or
  - b. Is lower than 5.0 SU, or equal to or greater than 12.5 SU at any time during a calendar day;
2. The limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The Director may impose mass limitations in addition to the concentration based limitations above.

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2. The Director may develop Best Management Practices (BMPs), by ordinance, in written requirements, or in wastewater discharge permits, to implement Categorical Standards, Local Limits and/or the requirements of Section 4.326.

(Ord. No. 2009-15, 12-8-2009; Ord. No. 2013-08, 7-16-2013; Ord. No. 2017-05, 5-23-2017; Ord. No. 2018-05, 5-22-2018; Ord. No. 2020-16, 10-27-2020)

#### **Sec. 4.334. City's Right of Revision.**

The City reserves the right to establish, by ordinance or in individual wastewater discharge permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this ordinance.

(Ord. No. 2009-15, 12-8-2009; Ord. No. 2013-08, 7-16-2013; Ord. No. 2017-05, 5-23-2017)

#### **Sec. 4.336. Dilution.**

No User shall increase the use of process water or otherwise dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless the User is expressly authorized to do so by an applicable Pretreatment Standard or Requirement. The Director may impose mass limitations on Users using dilution to meet applicable Pretreatment Standards or Requirements.

(Ord. No. 2009-15, 12-8-2009; Ord. No. 2013-08, 7-16-2013)

#### **Sec. 4.337. Pretreatment of Wastewater.**

Users shall provide wastewater treatment necessary to comply with this chapter, with Categorical Pretreatment Standards, Local Limits and the prohibitions set out in Section 4.326 above within the time specified by EPA, the State or Director. Any facilities necessary for compliance shall be provided, operated and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the City for review, and must be approved by the City before such facilities are constructed. Review in no way relieves the User from the responsibility of modifying such facilities to produce a discharge acceptable to the City under the provisions of this ordinance. Where pretreatment facilities are provided for wastewater, they shall be continuously maintained in satisfactory and effective operation at the owner's expense. Final determination of satisfactory and effective operating condition will be made by the Director.

1. The Director may require any User discharging to the POTW to install at their expense (and thereafter pay all costs associated with the maintenance thereof) a sampling manhole in the public right-of-way located upgradient to the point of discharge to the POTW.
2. Users shall provide wastewater treatment, including pretreatment technology, devices and facilities, as necessary to comply with this chapter and shall obtain compliance within the time limitations specified by federal, State or local regulations, whichever is most stringent. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at User's expense. The Director may require the grant of an access easement to facilitate City inspection of the applicable pretreatment facilities. All pretreatment facilities shall be designed and installed consistent with the requirements of the most current version of the Oregon Plumbing Specialty Code so as to ensure compliance with Sections 4.326 and 4.332.
  - A. Grease, oil, sand or other interceptors shall be inspected, cleaned, and repaired by the User at their expense. Interceptors will be maintained in continuously efficient operation at all times, which includes but is not limited to the following:



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1. Each interceptor when cleaned shall have the sidewalls thoroughly cleaned and the contents shall be fully evacuated. All wastes removed from the interceptor shall be legally disposed of other than to the sewer or storm drainage systems. "Decanting" or the returning of any liquid or waste that is removed during cleaning back into the interceptor is prohibited.
  2. Interceptors shall be fully evacuated, and cleaned when the sum of the floating layer and sediment layer depths at any point exceed 25 percent of the total depth as measured from the floor of the device to the invert of the outlet pipe, or every 180 days, whichever occurs first, except as specifically authorized otherwise by the Director.
  3. Grease interceptors with a hydraulic capacity of less than 300 gallons must be filled with clean water after evacuation, prior to usage.
- B. Cleaning of grease and oil interceptors shall be performed by a professional interceptor service company unless the User receives approval from the Director to remove grease and oil from the interceptors (self-cleaning). Violations of this chapter by interceptor self-cleaners are subject to enforcement action including fines and/or removal from the self-cleaner program.
  - C. Interceptor maintenance shall be recorded by all Users with interceptors and retained onsite for a minimum of three years, unless specifically authorized otherwise by the Director. Maintenance records shall indicate for each cleaning event, at a minimum, the date of cleaning, name and signature of the person or company servicing the interceptor, the cleaning method, gallons of waste removed, and final waste disposal location.
  - D. All Users with interceptors shall provide a copy of maintenance records to the Director as requested.
  - E. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible substance detection meter.
3. *Flow Equalization.*
    - A. A wastewater discharge permit may be issued solely for flow equalization.
    - B. The Director may require Users restrict discharge during peak flow periods, designate certain wastewater to be discharged to specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams and such other things necessary to protect the POTW.
  4. *Accidental Discharge/Slug Discharge Control Plans.* The Director shall evaluate whether an SIU needs an accidental discharge/slug discharge control plan. Furthermore, the Director may require any User develop and implement such a plan necessary to control that User's Slug Discharges. The Director may develop such a plan for a User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:
    - A. Description of discharge practices, including non-routine batch discharges;
    - B. Description of stored chemicals;
    - C. Plan view indicating chemical storage areas and drainage facility locations
    - D. Procedures for immediately notifying the Director of any accidental or Slug Discharge, as required by Section 4.340(6.) of this ordinance; and
    - E. 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

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training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

5. *Hauled Wastewater.*

- A. Septic tank waste and other hauled wastewater may be introduced to the POTW only at locations times and under such conditions designated by the Director. Such waste shall not violate Section 4.326 nor other requirements established by the City. The Director may also prohibit the disposal of hauled waste.
- B. The Director may collect samples of each hauled load to ensure compliance with applicable Standards. The Director may require the waste hauler to provide a waste analysis of any load prior to discharge.
- C. Industrial waste haulers must provide a waste-tracking form for every load including the following information: the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of the waste. The form shall identify the type of industry, known or suspected waste constituents and whether any waste(s) are hazardous wastes as defined by state or federal regulation.
- D. The discharge of any substance to recreational vehicle dump stations, other than wastewater from domestic usage of recreational vehicles is prohibited, unless specifically authorized otherwise by the Director.

(Ord. No. 2009-15, 12-8-2009; Ord. No. 2013-08, 7-16-2013; Ord. No. 2017-05, 5-23-2017)

**Sec. 4.338. Wastewater Discharge Permits.**

- 1. *Wastewater Analysis.* When requested by the Director, a User shall submit information on the nature and characteristics of its wastewater within 20 days of the Director's request. The Director is authorized to prepare a form for this purpose and may periodically require Users to update this information. Costs for sample collection and analysis are the responsibility of the User.
- 2. *Wastewater Discharge Permit Requirement.*
  - A. No SIU shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Director, except that a SIU that has filed a timely application may continue to discharge for the time period specified therein.
  - B. The Director may require other Users to obtain wastewater discharge permits.
  - C. A violation of the terms and conditions of a wastewater discharge permit shall be subject to the Sections 4.344 through 4.346 below. A wastewater discharge permit does not relieve the permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State or local law.
- 3. *Wastewater Discharge Permitting: Existing Connections.* A User required to obtain a wastewater discharge permit discharging wastewater to the POTW prior to January 10, 2010, and wishing to continue such discharges shall, by April 10, 2010, apply to the Director for a wastewater discharge permit consistent with Section 4.338(5.) and shall neither cause nor allow discharges to the POTW to continue after May 30, 2010, except consistent with a wastewater discharge permit issued by the Director.
- 4. *Wastewater Discharge Permitting: New Connections.* Any User required to obtain a wastewater discharge permit proposing to begin or recommence discharging to the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for the wastewater discharge permit must be filed at least 90 days prior to the date when any discharge will begin or recommence.

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5. *Wastewater Discharge Permit Application Contents.*

- A. All Users required to obtain a wastewater discharge permit must submit a permit application. The Director may require Users to submit all or some of the following information as part of a permit application:
1. Identifying Information.
    - a. The name and address of the facility, including the name of the operator and owner.
    - b. Contact information, description of activities, facilities, and plant production processes on the premises;
  2. Environmental Permits. A list of any environmental control permits held by or for the facility.
  3. Description of Operations.
    - a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
    - b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
    - c. Number and type of employees, hours of operation, and proposed or actual hours of operation;
    - d. Type and amount of raw materials processed (average and maximum per day);
    - e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
  4. Time and duration of discharges;
  5. The location for monitoring all wastes covered by the permit;
  6. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 4.328(4.) (40 CFR 403.6(e)).
  7. Measurement of Pollutants.
    - a. The Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
    - b. 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.
    - c. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
    - d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 4.340(10.) of this ordinance. 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.

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- e. Sampling must be performed in accordance with procedures set out in Section 4.340(11.) of this ordinance.
    8. Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 4.340(4.B.) [40 CFR 403.12(e)(2)].
    9. Any other information as may be deemed necessary by the Director to evaluate the permit application.
      - a. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.
  6. *Application Signatories and Certifications.*
    - A. All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 4.340(14.A.).
    - B. 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.
  7. *Wastewater Discharge Permit Decisions.* The Director will evaluate the data furnished by the User and may require additional information. Within 90 days of receipt of a complete permit application, the Director will determine whether to issue a wastewater discharge permit. The Director may deny any application for a wastewater discharge permit.
  8. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an Industrial Wastewater of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, by the industrial concern.

(Ord. No. 2009-15, 12-8-2009; Ord. No. 2013-08, 7-16-2013)

#### **Sec. 4.339. Wastewater Discharge Permit Issuance**

1. *Wastewater Discharge Permit Duration.* A wastewater discharge permit shall be issued for a specified period, not exceeding five years. Each wastewater discharge permit will indicate the specific date upon which it will expire.
2. *Wastewater Discharge Permit Contents.* A wastewater discharge permit shall include such conditions deemed reasonably necessary by the Director to prevent Pass Through or Interference, protect the quality of the water body receiving the POTW's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against POTW damage.
  - A. Wastewater discharge permits must contain:
    1. A statement indicating the wastewater discharge permit issuance, expiration and effective dates;
    2. A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with Section 4.339(5.) and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

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3. Effluent limits, including Best Management Practices based on applicable Pretreatment Standards;
  4. Self-monitoring, sampling, reporting, notification and record-keeping requirements including an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local laws and/or regulations.
  5. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge consistent with Section 4.340(4.B.).
  6. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that mandated in applicable Federal, State, or local laws and/or regulations.
  7. Requirements to control Slug Discharge, if determined by the Director to be necessary.
  8. Any grant of a monitoring waiver must be included as a condition in the User's permit or other control mechanism.
- B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:
1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
  2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
  3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
  4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
  5. The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
  6. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
  7. A statement that compliance with the wastewater discharge 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 wastewater discharge permit; and
  8. Other conditions as deemed appropriate by the Director to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.
3. *Permit Appeals.*
- A. Any person, including the User, may petition the Director to reconsider the terms of a wastewater discharge permit within 30 days of its issuance.
1. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

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2. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
  3. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
  4. If the Director fails to act within 30 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
4. *Permit Modification.*
- A. The Director may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:
    1. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
    2. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
    3. A change in the POTW 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 POTW, City personnel, or beneficial sludge usage;
    5. Violation of any terms or conditions of the individual wastewater discharge permit;
    6. Misrepresentations or failure to fully disclose all relevant facts in wastewater discharge permit application or in any required reporting;
    7. Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR 403.13;
    8. To correct typographical or other errors in the individual wastewater discharge permit; or
    9. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 4.339(5.).
5. *Wastewater Discharge Permit Transfer.* Individual wastewater discharge permits or coverage under general permits may be transferred to a new owner or operator only if the permittee gives at least 90 days advance notice to the Director and the Director approves the individual wastewater discharge permit or the general permit coverage transfer. The notice to the Director must include a written certification by the new owner 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 wastewater discharge permit.
- Failure to provide advance notice of a transfer renders the individual wastewater discharge permit or coverage under the general permit void as of the date of facility transfer.
6. *Wastewater Discharge Permit Revocation.* The Director may revoke an individual wastewater discharge permit or coverage under a general permit for good cause, including, but not limited to, the following reasons:

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- 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 4.340(5.) of this ordinance;
  - C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
  - D. Falsifying self-monitoring reports and certification statements;
  - E. Tampering with monitoring equipment;
  - F. Refusing to allow the Director 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 the wastewater discharge permit application;
  - L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
  - M. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this ordinance. Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a User are void upon the issuance of a new wastewater discharge permit to that User.
7. *Wastewater Discharge Permit Reissuance.* A User with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 4.338(5.) of this ordinance, a minimum of 90 days prior to the expiration of the User's existing wastewater discharge permit.
8. *Regulation of Waste Received from Other Jurisdictions.*
- A. If another municipality, or User located within another municipality, contributes wastewater to the POTW, the Director shall enter into an intergovernmental agreement with the contributing municipality.
  - B. Prior to entering into an agreement required by Subsection (A.), above, the Director shall request the following information from the contributing municipality:
    - 1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
    - 2. An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
    - 3. Such other information as the Director may deem necessary.
  - C. An intergovernmental agreement, as required by Subsection (A.), above, shall contain the following conditions:
    - 1. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and the City of Redmond Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 4.332 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City of Redmond's ordinance or Local Limits;

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2. A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
  3. A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Director; and which of these activities will be conducted jointly by the contributing municipality and the Director;
  4. A requirement for the contributing municipality to provide the Director with access to all information that the contributing municipality obtains as part of its pretreatment activities;
  5. Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
  6. Requirements for monitoring the contributing municipality's discharge;
  7. A provision ensuring the Director access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Director; and
  8. A provision specifying remedies available for breach of the terms of the intergovernmental agreement.

(Ord. No. 2009-15, 12-8-2009; Ord. No. 2013-08, 7-16-2013)

#### **Sec. 4.340. Reporting Requirements.**

1. *Baseline Monitoring Reports.*

- A. Within either 180 days after the effective date of a Categorical Pretreatment Standard, or final administrative decision on a category determination under 40 CFR 403.6(a) (4), whichever is later, Categorical Industrial Users discharging to or scheduled to discharge to the POTW shall submit a report to the Director containing the information listed in Subsection (B.) below. At least 90 days prior to commencement of the discharge, a New Source and sources becoming Categorical Industrial Users after promulgation of an applicable Categorical Standard, shall submit a report to the Director containing the information listed in Subsection (B.) below. A New Source shall report the method of pretreatment to be used to meet applicable Categorical Standards and give estimates of anticipated flow and quantity of pollutants to be discharged.
- B. Users described in Subsection A above shall submit the following information:
  1. All information required in Section 4.338(5.A.1.a.), Section 4.338(5.A.2.) Section 4.338(5.A.3.a.), and Section 4.338(5.A.6.).
  2. *Measurement of pollutants.*
    - a. Information required in Section 4.338(5.A.7.a. through d.).
    - b. A minimum of one representative sample to compile the data necessary to comply with the requirements of this subsection.
    - c. 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 flows and concentrations should be measured to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards.



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Where an alternate concentration or mass limit has been calculated consistent with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the City;

- d. Sampling and analysis shall be performed in accordance with Section 4.340(10.);
  - e. The Director may allow the submission of a baseline report utilizing only historical data provided the data contains information sufficient to determine the need for industrial pretreatment measures;
  - f. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall be certified as representative of normal work cycles and expected pollutant discharges to the POTW.
3. *Compliance Certification.* A statement, reviewed by the User's Authorized Representative and certified by a qualified professional, indicating whether Pretreatment Standards are being met consistently and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.
  4. *Compliance Schedule.* If additional pretreatment and/or O&M will be required, User shall produce the shortest schedule by which such additional pretreatment and/or O&M will occur. The completion date in this schedule shall be no 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 4.340(2.).
  5. *Signature and Report Certification.* All baseline monitoring reports must be certified consistent with Section 4.340(14.A.) of this ordinance and signed by an Authorized Representative as defined in Section 4.300.
2. *Compliance Schedule Progress Reports.* The following conditions apply to the compliance schedule required by Section 4.340(1.B.4.):
    - 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 and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
    - B. No increment referred to above shall exceed nine months;
    - C. The User shall submit a progress report to the Director not later than 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 any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and
    - D. In no event shall more than nine months elapse between such progress reports to the Director.
  3. *Reports on Compliance with Categorical Pretreatment Standard Deadline.* Within 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 POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Director a report containing the information described in Section 4.338(5.A.6.) and (7.), and 4.340(1.B.2.) For Users subject to equivalent mass or concentration limits established consistent with Section 4.328, this report shall contain a reasonable measure of the User's long-term production rate. For all other 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

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compliance reports must be signed and certified in accordance with Section 4.340(14.A.) All sampling will be done in conformance with Section 4.340(11.).

4. *Periodic Compliance Reports.*

- A. Except as specified in Section 4.340(4.C.), all Significant Industrial Users must, at a frequency determined by the Director submit no less than twice per year (June and December) reports indicating the nature, concentration of pollutants in the discharge limited by 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.
- B. The City may authorize a User subject to a Categorical Pretreatment Standard to forego sampling of a pollutant regulated by a Categorical Pretreatment Standard if the User can demonstrate to the Director's satisfaction through sampling and other technical means that the regulated pollutant is neither present nor expected to be present in the discharge or is present only at background levels from intake water and without any increase in the pollutant due to User's activities. This authorization is subject to the following conditions:
  - 1. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable Categorical Standard and otherwise includes no process wastewater.
  - 2. The monitoring waiver is valid for the duration of the period of the individual wastewater discharge permit, but in no case longer than five years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See Section 4.338(5.A.8.).
  - 3. In making a demonstration that a pollutant is not present, the User must provide data from at least two samplings of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
  - 4. The request for a monitoring waiver must be signed by the User's Authorized Representative in accordance with Section 4.300, and include the certification statement in Section 4.340(14.A.) (40 CFR 403.6(a)(2) (ii)).
  - 5. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
  - 6. Any grant of the monitoring waiver by the Director must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Director for three years after expiration of the waiver.
  - 7. Upon approval of the monitoring waiver and revision of the User's permit by the Director, the User must certify on each report with the statement in Section 4.340(14.C.) below, that there has been no increase in the pollutant in its wastestream due to activities of the User.
  - 8. In the event that a waived pollutant is found to be present or is expected to be present because of changes occurring in the User's operations, the User must immediately: Comply with the monitoring requirements of Section 4.340(4.A.), or other more frequent monitoring requirements imposed by the Director, and notify the Director.

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9. This provision does not supersede certification processes and requirements established in Categorical Pretreatment Standards, except as otherwise specified in the Categorical Pretreatment Standard.
- C. The City 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 State, where the User's total categorical wastewater flow does not exceed any of the following:
    1. One hundredth of one percent of the POTW's design dry-weather hydraulic capacity or 284 gallons per day, as measured by a continuous effluent flow monitoring device unless the User discharges in batches;
    2. One hundredth of one percent of the POTW's design organic treatment capacity or eighty three hundredths of a pound of BOD per day (0.83 lbs.); and
    3. One hundredth of one percent of the maximum allowable headworks loading for any pollutant regulated by the applicable Categorical Pretreatment Standard for which approved Local Limits were developed.

Reduced reporting is not available to Users that have in the last two years been in Significant Noncompliance, as defined in Section 4.343 of this ordinance. In addition, reduced reporting is not available to any 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 User would result in data that are not representative of conditions occurring during the reporting period.
  - D. All periodic compliance reports must be signed and certified in accordance with Section 4.340(14.A.) of this ordinance.
  - E. 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.
  - F. 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 4.340(11.) of this ordinance, the results of this monitoring shall be included in the report.
5. *Reports of Changed Conditions.* Each User must notify the Director in writing of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least 90 days before the change.
    - A. The Director may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.338(5.) of this ordinance.
    - B. The Director may issue a wastewater discharge permit under Section 4.339(7.) of this ordinance or modify an existing wastewater discharge permit under Section 4.339(4.) of this ordinance in response to changed conditions or anticipated changed conditions.
  6. *Reports of Potential Problems.*
    - A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

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- B. Within five days following such 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 might be incurred as a result of damage to the POTW, 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 pursuant to this ordinance.
  - C. 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 Subsection (A.), above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
  - D. Significant Industrial Users are required to notify the Director immediately of any changes at its facility affecting the potential for a Slug Discharge.
7. *Reports from Unpermitted Users.* All Users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Director as the Director may require.
8. *Notice of Violation/Repeat Sampling and Reporting.* If sampling performed by a User indicates a violation, the User must notify the Director within 24 hours of becoming aware of the violation. The User shall also repeat the sampling within 48 hours of becoming aware of the violation, analyze the sample, and submit the results of the repeat analysis to the Director within 30 days after becoming aware of the violation. Resampling by the User is not required if the City performs sampling at the User between the time when the initial sampling was conducted and the time when the User receives the results of this sampling.
9. *Notification of the Discharge of Hazardous Waste.*
- A. Any User discharging waste to the POTW that if discharge elsewhere would be classified as hazardous waste (as that term is defined in 40 CFR Part 261) shall notify the POTW, the EPA Regional Waste Management Division Director and the Oregon Department of Environmental Quality (DEQ) in writing. Such notification shall include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and type of discharge (continuous, batch, or other). If the User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also 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 12-months. Notification to the POTW must occur no later than 30 days prior to the start of discharge. All other notifications must take place no later than 180 days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 4.340(5.) of this ordinance. The notification requirement in this Section does not apply to pollutants already reported by Users subject to Categorical Pretreatment Standards under the self-monitoring requirements of Sections 4.340(1.), 4.340(3.), and 4.340(4.) of this ordinance.
  - B. Dischargers are exempt from the requirements of Subsection A, above, during a calendar month in which they discharge no more than 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 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 than such quantities of any hazardous waste do not require additional notification.
  - C. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the

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- Director, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
- D. 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.
- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.
10. *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.
11. *Sample Collection.* 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.
- A. Except as indicated in Subsections (B.) and (C.) 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 City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
- B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 4.340(1.) and 4.340(3.), a minimum of four 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 Section 4.340(4.), the User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.
12. *Date of Receipt of Reports.* Written reports will be deemed to have been submitted on the date postmarked. 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.
13. *Recordkeeping.* Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, 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 4.332(2.). Records shall include the date, exact place,

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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 five years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the Director.

14. *Certification Statements.*

- A. *Certification of Permit Applications, User Reports and Initial Monitoring Waiver.* The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 4.338(6.); Users submitting baseline monitoring reports under Section 4.340(1.B.5.); Users submitting reports on compliance with the Categorical Pretreatment Standard deadlines under Section 4.340(3.); Users submitting periodic compliance reports required by Section 4.340(4.A. to D.), and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 4.340(4.B.4.). The following certification statement must be signed by an Authorized Representative as defined in Section 4.300:

"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."

- B. *Certification of Pollutants Not Present.* Users that have an approved monitoring waiver based on Section 4.340(4.B.) must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR \_\_\_ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 4.340(4.A.)."

(Ord. No. 2009-15, 12-8-2009; Ord. No. 2013-08, 7-16-2013)

### **Sec. 4.341. Compliance Monitoring.**

1. *Right of Entry for Inspection and Sampling.* By applying for and using City wastewater treatment services and connecting to the Public Sewer and/or use of the POTW, a User is deemed to consent and grant Director the right to enter User's premises to determine compliance with the requirements of this chapter and wastewater discharge permit(s) or order(s) issued pursuant hereto. The Director shall have immediate access at all reasonable hours to User's premises to inspect, sample, photograph, examine and copy records, and take such other actions deemed necessary to ensure compliance.
- A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Director shall have the right to set up on the User's property, or require installation of such devices as are necessary to inspect and conduct sampling and/or metering of the User's operations.

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- C. The Director may require the 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 User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least annually or within the manufacturers recommendation (whichever is shorter) to ensure their accuracy.
  - D. The Director may require the User to grant a public utility easement to the City for monitoring the use of the City's wastewater treatment system.
  - E. Any obstruction to safe access to the User's facility to be inspected and/or sampled shall be removed by the User at the written or verbal request of the Director and shall not be replaced. The cost for clearing such access shall be borne by the User.
  - F. Unreasonable delays in allowing the Director access to the User's premises shall be a violation of this chapter.
2. *Search Warrants.* The Director may seek issuance of a search warrant for the collection and analysis of wastewater samples or to obtain access to a building, structure, property, or any part thereof.  
(Ord. No. 2009-15, 12-8-2009; Ord. No. 2013-08, 7-16-2013)

#### **Sec. 4.342. Confidential Information.**

1. User information and data obtained from reports, questionnaires, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs shall be available to the public and other governmental agencies without restriction, unless the User specifically requests release of such information would divulge information, processes, or methods of production entitled to protection under Oregon Public Records Law (ORS 192.410, et seq).

Any such request must be made in writing at the time of submission of the information or data. When requested and demonstrated by the 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 may be made available to governmental agencies for uses related to the WPCF permit or pretreatment program and in enforcement proceedings. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

The City will not recognize any claims of confidentiality, trade secret or confidential business information intended to limit the public's access to the data or information submitted electronically by the industrial user based upon generic claims of confidentiality in the body of any email or fax provided to the City. Claims of confidentiality shall be made, in writing and by US Mail or equivalent or hand delivered. In addition, should the industrial user submit data or other information that is claimed to be confidential, the municipality will not guarantee that that data or information will be held confidential if submitted electronically.

(Ord. No. 2009-15, 12-8-2009; Ord. No. 2013-08, 7-16-2013; Ord. No. 2017-05, 5-23-2017)

#### **Sec. 4.343. Publication of Users in Significant Noncompliance.**

1. The Director shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the City, a list of the Users which, at any time during the previous 12-months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other User that violates Subsections (C.), (D.), or (H.) of this Section) and shall mean:

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- A. Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all the measurements taken for the same pollutant parameter taken during a six month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 4.326 through Section 4.336;
  - B. Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of wastewater measurements taken for each pollutant parameter during a six month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 4.326 through Section 4.336 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
  - C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 4.326 through Section 4.336 (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;
  - D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Director's exercise of its emergency authority to halt or prevent such a discharge;
  - E. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
  - F. Failure to provide within 45 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
  - G. Failure to accurately report noncompliance; or
  - H. 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.

(Ord. No. 2009-15, 12-8-2009; Ord. No. 2017-05, 5-23-2017)

#### **Sec. 4.344. Administrative Enforcement Remedies.**

1. *Notification of Violation.* When the Director finds a User has violated any provision(s) of this chapter, a wastewater discharge permit, order, or other Pretreatment Standard/Requirement, the Director may serve upon that User a written Notice of Violation. Within 15 days of User's receipt of said notice the User, shall offer the Director a written explanation of the violation and plan for the satisfactory correction and prevention thereof. Submission of the 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 Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.
2. *Consent Orders.* The Director may enter into Consent Orders, Assurances of Compliance, or similar agreements with a User. Such agreements shall include specific actions to be taken by the User to correct any noncompliance within a time period specified. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 4.344(4.) and 4.344(5.).
3. *Show Cause Hearing.* The Director may order a User which has violated any provision(s) of this chapter a wastewater discharge permit, or order issued hereunder, or other Pretreatment Standard or Requirement, to appear before the Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the hearing, the Director's proposed



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enforcement action, the reasons therefore and a demand the User show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by certified mail (return receipt requested) at least 15 days prior to the hearing. Such notice may be served on any Authorized Representative. A show cause hearing shall not be a bar against or prerequisite for taking any other action against the User.

4. *Compliance Orders.* When the Director finds a User has violated any provision of this chapter, a wastewater discharge permit or order or any other Pretreatment Standard or Requirement, the Director may issue an order to the User responsible directing that the User come into compliance within a specified time. If the User fails to come into compliance within the time specified, the User's sewer service may be discontinued until such time as adequate treatment facilities, devices, or other related appurtenances are installed and properly operated by the User. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the 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 User.
5. *Cease and Desist Orders.* When the Director finds a User has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Director may issue an order to the User directing it to cease and desist all such violations and directing the User to:
  - A. Immediately comply with all requirements; and
  - B. 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. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.
6. *Administrative Fines.*
  - A. When the Director finds that a User has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may fine such User in an amount not set by resolution. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
  - B. Unpaid charges, fines, and penalties shall, after 30 calendar days, be doubled, and interest shall accrue thereafter at a rate of one and one half percent per month. Any unpaid fines, penalties and interest shall become a lien against the User's property or referred to a debt collection agency. All debt collection fees shall be paid by the User.
  - C. Users desiring to dispute such fines must file a written request with the Director to reconsider the fine within ten days of the imposition of the fine. The request must specify the basis for reconsideration. The Director may make a decision on the request based on the material filed or may conduct a hearing. The User may appeal the decision of the Director to the City Manager. All appeals to the City Manager must be received in writing within ten days of the Director's decision. The City Manager may decide the appeal based on the material submitted by the User and City staff or may conduct a hearing. The decision of the City Manager is final.
  - D. The Director may add the costs of the appeal process, preparing administrative enforcement actions, such as notices and orders, to the fine.
  - E. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

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7. The Director may recover reasonable costs and other expenses, including sampling and monitoring expenses and the cost of any actual damages and/or cleanup, incurred by the City due to discharges prohibited by this ordinance.
  8. *Emergency Suspensions.* The Director may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary 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, or damage to the wastewater treatment system. The Director may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.
    - A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, groundwater, or endangerment to any individuals. The Director may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings in Section 4.344(9.) of this ordinance are initiated against the User.
    - B. A 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 occurrence, to the Director prior to the date of any show cause or termination hearing under Sections 4.344(3.) or 4.344(9.) of this ordinance.
    - C. Nothing in this section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this section.
  9. *Termination of Discharge.* In addition to the provisions in Section 4.339(6.) of this ordinance, any User who violates the following conditions is subject to discharge termination:
    - A. Violation of wastewater discharge permit conditions;
    - B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
    - C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
    - D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
    - E. Violation of the Pretreatment Standards in Sections 4.326 through 4.336 of this ordinance.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 4.344(3.) of this ordinance 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.

(Ord. No. 2009-15, 12-8-2009; Ord. No. 2013-08, 7-16-2013; Ord. No. 2017-05, 5-23-2017)

#### **Sec. 4.345. Judicial Enforcement Remedies.**

1. *Injunctive Relief.* When the Director finds that a User has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may 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 this ordinance on activities of the User. The Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to

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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.

2. *Civil Penalties.*

- A. A User who has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the City for a maximum civil penalty per violation, per day as set by resolution. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The Director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.
- C. 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, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

3. *Remedies Nonexclusive.* The remedies provided in this ordinance are not exclusive. The Director may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Director may take other action against any User when the circumstances warrant. Further, the Director is empowered to take more than one enforcement action against any noncompliant User.

(Ord. No. 2009-15, 12-8-2009; Ord. No. 2017-05, 5-23-2017)

**Sec. 4.346. Supplemental Enforcement Action.**

- 1. *Penalties for Noncompliance.* The Director may assess penalties on any User who has failed to comply with any provision of this ordinance, a previous wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement. Penalty amounts are set by City Council resolution. Actions taken by the Director to collect penalties shall not limit the Director's authority to initiate other enforcement actions that may include penalties for subsequent violations.
- 2. *Performance Bonds.* The Director may decline to issue or reissue a wastewater discharge permit to any User who has failed to comply with any provision of this ordinance, a previous wastewater discharge permit, or order 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 an amount determined by the Director to be necessary to repair any damage, reimburse the City for all potential expenses, and pay all fines potentially resulting from further noncompliance with this ordinance.
- 3. *Payment of Outstanding Fees and Penalties.* The Director may decline to issue or reissue a 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 this ordinance, a previous wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement.
- 4. *Water Supply Severance.* The Director may sever water supply service to any User for violation of any provision in Sections 4.007 through 4.348 of this Code, or for failure to pay any outstanding fees, fines or penalties incurred as a result of any violation of this ordinance, a previous wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement. Service will recommence, at

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the User's expense, only after the User has satisfactorily demonstrated its ability to comply and paid all outstanding fees, fines, or penalties.

5. *Sewer Connection Severance.* Whenever a User has violated or continues to violate any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, sewer service to the User may be severed. The User is responsible to pay all costs incurred to disconnect and reconnect the User's sewer service. Fees for connection and disconnection are set by resolution. Service will recommence, at the User's expense, only after the User has satisfactorily demonstrated its ability to comply and paid all outstanding account balances with the City.
6. *Public Nuisances.* A violation of any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement is hereby declared a public nuisance and shall be corrected or abated as directed by Director. Any person(s) creating a public nuisance shall be subject to the provisions of the City Code Sections 5.325 through 5.365 governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.
7. *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.

(Ord. No. 2009-15, 12-8-2009; Ord. No. 2017-05, 5-23-2017)

#### **Sec. 4.347. Affirmative Defenses to Discharge Violations.**

1. *Upset.*
  - A. For the purposes of this Section, Upset means an incident in which there is unintentional temporary noncompliance with Categorical Pretreatment Standards beyond User's reasonable control not including noncompliance caused by operational error, improperly designed or inadequate treatment facilities, lack of preventive maintenance, careless or improper operation.
  - B. An Upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the requirements of Subsection (C.), below, are met.
  - C. A User wishing to establish the 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 consistent with applicable operation and maintenance procedures; and
    3. The User has submitted the following information to the Director within 24 hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five days:
      - a. A description of the indirect discharge and cause of noncompliance;
      - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
      - c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

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- D. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
  - E. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with Categorical Pretreatment Standards.
  - F. Users shall control production of all discharges 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.
2. *Prohibited Discharge Standards.* A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 4.326(1.) of this ordinance or the specific prohibitions in Sections 4.326(2.C.) through Sections 4.326(2.G.) and Sections 4.326(2.I.) through Sections 4.326(2.T.) of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:
- A. 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
  - B. 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 WPCF permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.
3. *Bypass.*
- A. 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 Subsections (B.) and (C.) of this section.
  - B. *Bypass Notifications.*
    - 1. If a User knows in advance of the need for a bypass, it shall submit prior notice to the Director, at least ten days before the date of the bypass, if possible.
    - 2. A User shall submit oral notice to the Director of an unanticipated bypass that exceeds applicable Pretreatment Standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five 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 reoccurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
  - C. *Bypass.*
    - 1. 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

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which occurred during normal periods of equipment downtime or preventive maintenance;  
and

- c. The User submitted notices as required under Subsection (B.) of this section.
2. 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 Subsection (C.1.) of this section.

(Ord. No. 2009-15, 12-8-2009; Ord. No. 2013-08, 7-16-2013)

#### **Sec. 4.348. Miscellaneous Provisions.**

1. *Pretreatment Charges and Fees.* The City may adopt fees for reimbursement of costs of setting up and operating the City's Pretreatment Program, including:
  - A. Fees for wastewater discharge permit applications including the cost of processing such applications;
  - B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring and certification statements submitted by Users;
  - C. Fees for reviewing and responding to accidental discharge procedures and construction;
  - D. Fees for filing appeals;
  - E. Fees to recover administrative and legal costs (not included in Section 4.348(1.B.) associated with the enforcement activity taken by the Director to address IU noncompliance; and
  - F. Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the City.
2. *Severability.* If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.
3. *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 or conflict.
4. *Wastewater Strength Classification and Surcharges.*
  - A. Due to the increased cost involved in treating commercial and institutional wastewater, the Director may assess surcharges on commercial, institutional, and other non-domestic users. The Director may classify such users into a strength category based on the type of business or other activity occurring at site. The sewer account rates for each strength classification will be set by resolution.
  - B. The Director may require commercial, institutional, or other non-domestic users to procure and test at the owner's expense and in a manner approved by the Director, sufficient composite samples on which to base and calculate the wastewater strength and monthly surcharges.
  - C. Wastewater surcharge amounts may be calculated using the metered water flow to the premises as a basis for waste volume, and the laboratory analysis of samples procured as directed by the Director or the activity classification as a basis for waste strength.
    1. Metered water flow shall include all water delivered to or used on the premises and which is discharged to a city sanitary sewer. In the event that private water supplies are used, they shall be metered at the owner's expense. Cooling waters or water not discharged to a sanitary sewer shall be separately metered at the owner's expense, and in a manner approved by the Director,

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prior to allowing deduction of the flow from the total water used on the premises in computing the strength surcharges.

2. The Director may adjust the wastewater strength classification of a non-domestic user based on the existence and historical effectiveness of that user's pretreatment facilities due to design, condition, maintenance and other factors.

(Ord. No. 2009-15, 12-8-2009; Ord. No. 2013-08, 7-16-2013)