

ORDINANCE NO. 05-252

AN ORDINANCE relating to public sewers, imposing fees, requiring permits, repealing portions of Ordinance 205; and repealing Ordinance 02-237, defining offenses, prescribing penalties and stating an effective date.

THE CITY OF LAKESIDE ORDAINS AS FOLLOWS:

Section 1. Purpose. This Ordinance addresses the problems of integration of the various sewer ordinances of the City, and is intended to carry out the intentions of the Lakeside City Council, and provide a consistent and uniform administration of the sewer regulations of the City.

Section 2. Short Title. This Ordinance may be referred to as the "City of Lakeside Sewer Ordinance."

Section 3. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

"Act" The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended 33 USC 1251, et seq.

"Approval Authority." The Director in an NPDES state with an approved state pretreatment program and the Administrator of the EPA in a non NPDES state or NPDES state without an approved state pretreatment program.

"POTW" means a publicly owned treatment works, and refers to a treatment works defined in Section 212 of the Act, (33 USC 192g), owned by the City, which includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. POTW also includes any sewers that convey wastewater's to the POTW from persons outside the City who are by contract or agreement with the City, connected to the city's POTW.

"Shall: mandatory" May: permissive

"Biochemical oxygen demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees Centigrade expressed in milligrams per liter.

"Building drain" means 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 five feet outside the inner face of the building wall.

"Building sewer" means the extension from the building drain to the public sewer or other place of disposal, also called house connection.

“Categorical Standards. National Categorical Pretreatment Standards or Pretreatment Standard.

“Compatible Pollutant. Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria; plus any additional pollutants identified in the publicly owned treatment work's NPDES permit, where the publicly-owned treatment work is designed to treat such pollutants, and in fact, does treat such pollutants to the degree required by the POTW's NPDES permit.

“Connection service charge” means a charge levied on Connections of a treatment works, for the Connection's proportionate share of the cost of operation and maintenance (including replacement) of such works under Sections 204(b)(1)(a) and 201(h)(2) of the Act, as shown in the Federal Register, page 20458, Vo. 47 No. 92, dated May 12, 1982.

“Combined sewer” means a sewer intended to serve as a sanitary sewer and a storm sewer, or as an industrial sewer and a storm sewer.

“Floatable oil” means oil, fat or grease in a physical state such that it will deplete by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

“Garbage” means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

“Industrial connection” means any nongovernmental, nonresidential connection of a publicly owned treatment work which discharges more than the equivalent of twenty-five thousand gallons per day (gpd) of sanitary wastes and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

Division A - Agriculture, Forestry and Fishing.

Division B - Mining.

Division D - Manufacturing.

Division E - Transportation, Communication, Electric, Gas, and Sanitary Services.

Division I - Services.

In determining the amount of a permittee's discharge for purposes of industrial cost recovery, the grantee may exclude domestic wastes or discharges from sanitary conveniences.

“Industrial waste” means that portion of the wastewater emanating from an industrial connection which is not domestic waste or waste from sanitary conveniences.

“Natural outlet” means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

“pH” means the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for

example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .

“Properly shredded garbage” means 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 conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

“Public sewer” means a common sewer controlled by a governmental agency or public utility.

“Waste water supervisor: the Waste water supervisor of the City of Lakeside, or the Waste water supervisor's designate.

“Sanitary sewer” means a sewer intended to carry only sanitary or sanitary and industrial wastewaters from residences, commercial buildings, industrial plants and institutions.

“Service connection” means a sanitary sewer or collection system which has been constructed to the property line or right-of-way line from a sewer main for the sole purpose of providing a connection for the lot/building sewer.

“Service connection charge” means the fee levied to cover the cost of inspection and/or construction of the sanitary sewer from the sewer main to the property line which is to be serviced, such charges to be itemized on a miscellaneous billing form.

“Sewage” means the spent water of a community.

“Sewer” means a pipe or conduit that carries wastewater or drainage water.

“Slug” means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes more the five times the average twenty-four hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

“Stormdrain” (sometimes termed “storm sewer”) means a sewer intended to carry only stormwaters, surface runoff, street wash waters and drainage.

“Superintendent” means the superintendent of the wastewater treatment works of the city or the person's authorized representative.

“Suspended solids” means total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in Standard Methods for the Examination of Water and Wastewater and referred to as non-filterable residue.

“System improvement fee” means that fee which each customer shall pay for the right to connect to the sanitary sewer system.

“Unpolluted water” means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

“Wastewater” means the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and stormwater that may be present. “Wastewater” means sewage.

“Wastewater facilities” means the structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

“Wastewater treatment works” means an arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with “waste treatment plant” or “wastewater treatment plant” or “water pollution control plant” or “sewage treatment plant”.

“Water course” means a natural or artificial channel for the passage of water either continuously or intermittently.

Operations

Section 4. General Discharge Prohibitions.

A. No person shall discharge or cause to be discharged, or contribute or cause to be contributed, any of the following described waters or wastes to any public sewers:

1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas; including any liquids, solids, or gases by reason of their nature or quantity are or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW.

2. Any waters or wastes containing toxic or poisonous solids, liquids or gasses 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, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two mg/l or CN in the wastes as discharged to the public sewer;

3. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;

4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar,

plastics, wood, unground garbage (or garbage with particles greater than 1/2 inch in any dimension), whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

5. Noxious or malodorous liquids, gases, or solids that either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.

6. Substances that will cause the POTW to violate its NPDES and or State Disposal System Permit or receiving water quality standards.

B. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process or equipment, having an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming the person's opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as to 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, and other pertinent factors. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than one hundred fifty degrees (65 degrees C);

2. Any water or waste containing fats, gas, grease or oils, whether emulsified or not, in excess of one hundred mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two and one hundred fifty degrees (0 and 65 degrees C);

3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent;

4. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not;

5. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent for such materials;

6. Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction of such discharge to the receiving waters;

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

8. Any waters or wastes having a pH in excess of 9.5;

9. Materials which exert or cause:

a. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate),

b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable

tanning solutions),

c. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works,

d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined in Section 13.10.1

10. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Section 5. Specific pollutant limitations. No person shall discharge wastewater containing in excess of :

0.03 mg/l arsenic

0.01 mg/l cadmium

0.03 mg/l copper

0.2 mg/l cyanide

0.05 mg/l lead

0.03 mg/l mercury

0.3 mg/l nickel

0.03 mg/l silver

1.00 mg/l total chromium

0.03 mg/l zinc

100.0 mg/l oil and grease

1.0 mg/l phenolic compounds that cannot be removed by the City's wastewater treatment processes.

Section 6. Dilution. No nonresidential connection shall increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with the standards contained in this ordinance.

Section 7. Accidental Discharge.

a. Each person shall provide protection from accidental discharge of prohibited materials or other substances regulated by this ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained in the owners/persons own cost. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the city for review, and shall be approved by the city prior to the construction of the facility. All persons who commences contributions to the POTW after the effective date of this ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City.

b. Telephone Notice. Any nonresidential connection becoming aware of a discharge in violation of this ordinance into the City sewerage system shall report such discharge immediately by telephone to the Waste water supervisor. Prompt notification of such discharges

will allow the City to take necessary precautions to minimize hazards and to prevent damage to the receiving waters, thereby avoiding or minimizing discharge violations and fines from State and Federal regulatory agencies. The notification shall include the location of the discharge, type, concentration and volume of Pollutant and corrective actions proposed and/or taken.

c. Written Notice Within five (5) days following such a discharge, the nonresidential connection shall submit to the Waste water supervisor a detailed written report describing the cause and location of the discharge, the type, concentration and volume of pollutant discharged, and any hazards which may be posed to life or property and the measures taken or to be taken to prevent similar future occurrences.

d. Notice to Employees. Each nonresidential connection subject to pretreatment standards shall permanently post a notice on its bulletin board or other prominent place advising employees whom to call in the event of a discharge in violation of this ordinance. Employers shall ensure that all employees who may cause or suffer Such a discharge to occur or who are likely to detect such discharge are advised of the emergency notification procedure.

Charges and fee's

Section 8. Fee's.

a. Purpose. It is the purpose of this section to recover the City's costs of operating the sewer through a system of equitable charges or fees for certain services to be paid by the persons connected to the City sewerage system. The applicable charges or fees shall be set forth in a schedule of fees adopted by the City Council.

b. All tax-exempt organizations shall be required to pay a fee that is equal to 200 percent of the standard connection and sewer rate fees.

c. All sewer connections and monthly sewer charges for outside of the city limits shall be required to pay a fee that is equal to 200 percent of the standard connection and sewer rate fees.

Section 9. Specific Fee's.

a. The City Council may adopt fees to reduce the City's cost of providing the following services:

- b. Setting up and operating the pretreatment program;
- c. Sampling, monitoring, inspection and surveillance procedures;
- d. Reviewing accidental discharge procedures and construction;
- e. Reviewing and acting upon permit applications;
- f. Other services as the Waste water supervisor may deem necessary to carry out the requirements contained herein.

Section 10. Imposition of charges—Purpose.

Charges for connections to the public sewer system and subsequent sewer services shall be levied and imposed by the city for the purpose of funding operations, maintenance and improvements thereto.

Section 11. Changes to fees, rates and charges.

All fees, rates and charges stated within this Ordinance may be changed at any time in the future by resolution of the city council.

Section 12. Charges—Review by city.

The Connection service charges shall be reviewed and revised at least biennially to reflect actual costs of operation and maintenance, replacement and financing of the treatment works, and to maintain the equitability of Connection service charges with respect to proportional distribution of the costs of operation and maintenance according to each Connection's contribution to the total wastewater loading of the treatment works.

Section 13. Charges—Determination generally.

A Connection service charge shall be levied on all Connections served by public sewer, and the charge shall be determined as set out in this ordinance.

Section 14. Minimum base rate.

A minimum base rate shall be charged monthly for each residential dwelling unit (connection) and each commercial business (connection), as provided in this Ordinance.

Section 15. Connection classifications.

Connection classifications shall be comprised of, but not limited to the following:

A. Residential.

1. Single-family (per dwelling unit);
2. Multiple-family (per dwelling unit);
3. Mobile home park (per dwelling space);
4. Travel trailer park (per dwelling space).

B. Commercial I.

1. Barbershops and beauty shops (each);
2. Car dealers (each);
3. Churches (each, without garbage disposal);
4. Department stores (each);
5. Drive-in restaurants (each, without garbage disposal);
6. Fraternal clubs (each, without food service);
7. Grocery stores (each, without meat cutting);
- Hardware stores (each);
- Hotels and motels (each);
10. Laundromats (each);

11. Light industrial (each, flow less than twenty-five thousand gpd, BOD less than four hundred mg/l, SS less than four hundred fifty mg/l);
12. Medical, dental and veterinary clinics (each);
13. Pharmacies (each);
14. Print shops (each);
15. Professional offices (each business);
16. Schools (each, without food preparation);
17. Service stations (each);
18. Taverns (each);
19. Warehouses (each).

C. Commercial II.

1. Churches (each, with garbage disposal);
2. Drive-in restaurants (each, with garbage disposal);
3. Full-service restaurants and fraternal clubs (each, with food service, no garbage disposal, with grease trap);
4. Institutions (each, hospitals, schools, nursing homes).

D. Commercial III.

1. Bakeries (each);
2. Full-service restaurants and fraternal clubs (each, with food service, no garbage disposal, without grease trap);
3. Grocery stores (each, with meat cutting and/or bakery);
4. Meat markets (each).

E. Commercial IV.

1. Septic haulers (each).

F. Industrial.

1. Any facility that discharges effluent to the sanitary sewer for any twenty-four-hour period which equals or exceeds any one of the following criteria:
 - a. Flow greater than twenty-five thousand gpd,
 - b. BOD greater than one thousand five hundred mg/l,
 - c. SS greater than one thousand five hundred mg/l,
 - d. pH greater than 9.0,
 - e. pH less than 6.0.

Section 16. Billing—Address.

Bills for Connection service charges shall be mailed to the address specified in the application for permit to make the connection, unless or until a different owner or Connection of the property is reported to the City. Notwithstanding the billing address, the responsibility for payment of any unpaid balance shall be the responsibility of the property owner and may be placed as a lien against the premises as authorized by this ordinance.

Section 17. Application for Service

Applications for sewer service shall contain the signature of the owner of the property, or authorized representative of the owner. The application may also contain the name of other persons, who may also be liable. Nothing herein shall interfere with the rights of landlords/tenants or owners/sellers to allocate responsibility among each other for sewer charges.

Section 18. Restoration of service charge.

A. The city shall charge a customer for restoration of sewer service when service has been discontinued under the provisions of City Ordinances.

B. For the restoration of service, the customer shall pay a fee of seventy five dollars (\$75) for each hour of staff time necessary to restore the service.

C. This charge shall not apply to newly installed service connections unless the applicant may have outstanding charges in another account.

Section 19. Computation and collection of charges.

All collections for Connection service charges shall be made by the appropriate city department. Connection service charges shall be computed and payable as provided in this Ordinance.

Section 20. Revenues- use.

The city manager/recorder is directed to deposit in the sewer fund all the gross revenues received from charges, rates and penalties collected for the use of the sewer system as herein provided. The revenues thus deposited in the sewer fund shall be used exclusively for the operation, maintenance, improvements of the sewer system, and payments of the principal and interest on any bonded indebtedness of the city sewer system.

Section 21. Billing—Payment responsibility.

The property owner of record shall be responsible for payment of all charges prescribed in this Ordinance.

Section 22. Billing—Time and payment date.

A. Sewer service charges shall reflect a base charge. Sewer service shall be billed at a monthly rate.

B. Each connection on a customer's premises shall be billed separately, and two or more connections shall not be combined unless the city's operating convenience requires.

Section 23. Adjustment of accounts.

Customer accounts shall be adjusted for accounts receiving less than one month of service on a prorata basis according to connection type.

Section 24. Delinquent accounts.

A. Utility bills for sewer service shall be due and payable on the 25th day of the month following the month in which they were mailed.

B. Utility bills shall be delinquent if not paid by the due date and a \$2.50 late fee shall be added to the account balance on the next working day following the due date.

C. Delinquent utility accounts may be discontinued after providing the owner and occupants with written notice:

1. Written notice shall be sent to the occupant and person responsible for the account (if they are different) stating that sewer service shall be discontinued unless the delinquent account balance is paid by 5:00 p.m. on the fifth day of the month or a later specified date and time. The notice shall be mailed a minimum of ten (10) days prior to the date the sewer is to be turned off. Sewer services shall not be discontinued after 2:00 p.m. in the afternoon nor shall sewer services be turned off on Fridays, weekends, or the day before a regular holiday.

2. In addition to the information given in subsection 1 above, the notice shall also indicate that responsibility for payment of any unpaid balance shall be the responsibility of the property owner and may be placed as a lien against the premises as authorized by Lakeside City Ordinance.

D. If the full payment of the delinquent amount is not made by the date designated on the notice, the sewer may be immediately discontinued. At the time sewer service is discontinued, a notice shall be posted on the premises indicating the sewer service has been discontinued, and it may be restored by payment of the delinquent amount and a restoration fee, as stipulated by Section 0 of this ordinance.

E. Prior to the restoration of service by the city, the delinquent bill and restoration fee shall be paid, unless a deferred payment schedule is approved by the city administrator, or their designee.

F. Delinquent utility accounts totaling less than twenty-five dollars (\$25.00) shall not be turned off unless circumstances indicate the service has been abandoned

Section 25. Sewer charge liens.

Sewer service charges shall be a lien against the premises served from and after the date of billing and entry on the ledger or other records of the city pertaining to the sewer system, and such ledger or other records shall remain accessible for inspection by anyone interested to ascertain the amount of such charges against the property. Whenever a bill for sewer service remains unpaid ninety days after it has been rendered, the lien thereby created may be foreclosed in a manner provided for in Oregon Revised Statutes 223.610, or in any other manner provided for by law or by city ordinance.

Section 26. Appeal procedures.

A sewer Connection who feels their fee or charge is unjust or inequitable, as applied to their premises, within the intent of the foregoing provisions, may make a written appeal to the city council requesting a review of the fee or charge. Review of the request shall be made by the appropriate city staff, who shall determine if it is substantiated or not, including recommended action to the council if necessary. If the city council substantiates the request, the fee or charge for

that Connection shall be recomputed based on the approved, revised flow. The council shall have the final responsibility for determining equitability of charges where special circumstances are found, and for the adjusting of such charges in a consistent and equitable manner.

Administration.

Section 27. Application and Permit to Discharge.

a. No person shall without a city permit discharge to any natural outlet within the city, or any area under the jurisdiction of the city, and/or to the POTW any wastewater except as authorized by the PW Director in accordance with the provisions of this ordinance.

b. Each nonresidential connection discharging, proposing to discharge or having the potential to discharge significant contributions of wastewater containing restricted substances into the City sewerage system shall secure a Wastewater Discharge Permit from the City if the nonresidential permittee:

c. Is subject to National Categorical Pretreatment Standards as promulgated by the EPA under Section 307(b) or (c) of the Clean Water Act (C.W.A.);

d. Has in its waste toxic pollutants as defined pursuant to Section 307 and Section 502 of the C.A.;

e. Has a nondomestic flow of twenty-five thousand (25,000) gallons or more per average work day;

f. Contributes more than five percent (5%) of the average dry weather hydraulic, organic or solids handling load to the City's wastewater treatment plant;

g. Is determined by the State or City to have a significant impact or potential for significant impact to adversely affect the City sewerage system by either upset, inhibition, pass through of Pollutants, sludge contamination or other means.

Section 28. Pretreatment Permit Application.

Existing nonresidential permittees shall apply for a Wastewater Discharge Permit within 180 days after becoming subject to the pre treatment requirements of this ordinance. New nonresidential permittees subject to said requirements shall apply at least ninety (90) days prior to connecting to or discharging to the City sewerage system. Any nonresidential connection with a valid permit and proposing to make a change in its existing discharge, which will substantially change the volume of flow or the characteristics of the discharge or establish a new point of discharge, shall apply for an amended permit at least sixty (60) days before making such change. Applications shall be made to the Waste water supervisor in writing on forms provided by the City and may include the following information:

- a. Name, address, telephone number and authorized representative of the applicant and service address.
- b. SIC number.
- c. A list of environmental control permits held by or for the applicant.
- d. A list of wastewater pollutants and their characteristic actually or potentially discharged at the applicable plant site including measured or estimated daily average and daily maximum concentrations of these pollutants.
- e. A description of spill prevention measures or plans which are currently in place in the plant.
- f. Water use and wastewater flow rates, including maximum daily, average daily, average monthly and seasonal variations, if any.
- g. A schematic diagram of applicant's industrial processes including a listing of estimated average water flow through each process and indicating point (s) of discharge to City sewerage system. Also, a detailed site, floor, or Plumbing plan showing the size and location of all sewers, sewer connections and appurtenances.
- h. A description of activities, facilities, and plant processes on the premises including a description of types and quantities of products produced, manufacturing methods used, types and quantities of principal and minor materials used, and a work and production schedule for the plant. The Waste water supervisor will evaluate the data furnished by the nonresidential connection and may require additional information or sampling of wastewater characteristics. If the proposed discharge meets the requirements of this ordinance, the City will issue a Wastewater Discharge Permit subject to appropriate terms and conditions.

Section 29. Modification of Permit. Discharge conditions included in a Wastewater Discharge Permit shall remain in effect for that permit until it expires, except that they may be revised from time to time as the Waste water supervisor deems necessary to effectively manage industrial waste discharge. The nonresidential connection shall be informed of any proposed change in its permit at least thirty (30) days prior to the effective date of change, except in the event of an emergency.

Section 30. Permit Conditions. Wastewater Discharge Permits shall be expressly Subject to all provisions of this ordinance. Permits may contain the following conditions:

- a. Payment of applicable fees and charges.
- b. Limits on the average and maximum discharge of restricted substances.
- c. Limits on the average and maximum rate and time of discharge or requirements for flow regulation and equalization.

- d. Requirements for installation and maintenance of pretreatment, inspection or monitoring and sampling facilities.
- e. Specifications for monitoring and sampling programs which may include monitoring and sampling locations, frequency of monitoring and sampling, number, types and standards for tests and reporting schedules.
- f. Compliance schedules.
- g. Requirements for submission of technical reports or discharge reports.
- h. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Waste water supervisor, and affording the Waste water supervisor access thereto.
- i. Requirements for notification of the City of any new introduction of restricted substances or any substantial change in the volume or character of the wastewater or restricted substances being discharged into the City sewerage system.
- j. Requirements for notification of sludge discharges.
- k. Other conditions as deemed appropriate by the Waste water supervisor to achieve compliance with this ordinance.

Section 31. Duration. Permits shall be issued for a specified time period, not to exceed five (5) years. The nonresidential connection shall apply for permit reassurance a minimum of one hundred-eighty days prior to the expiration of this existing permit if it desires to continue the uninterrupted discharge of restricted substances.

Section 32. Permit Transfer. A Wastewater Discharge Permit will be issued to a specific nonresidential connection for a specific operation. A Wastewater Discharge Permit shall not be assigned, transferred or sold without the approval of the Waste water supervisor. Any Succeeding nonresidential connection shall agree to comply with the terms and conditions of the existing permit as a condition precedent to the approval by the Waste water supervisor of a transfer sale or assignment of the permit.

Section 33. Reporting Requirements. Permit holders will be required to submit information, certifications, compliance schedules and samples of discharge or perform tests and report such test results to the Waste water supervisor as follows:

- a. When required by the terms and provisions of 40 CFR 403.12, as amended through the effective date of this ordinance;
- b. When requested by State or local public agencies; or
- c. When deemed necessary by the Waste water supervisor for the proper treatment, analysis or

control of discharges. All such tests and reports shall be at the cost of the permit holder. The City shall have the right to implement and enforce the requirements of 40 CFR 403.12 by order of the Waste water supervisor. When deemed necessary by the Waste water supervisor, a permit holder may be required to obtain, install, operate and maintain an automatic sampler, analyzer or flow measuring device to monitor its discharges in the manner directed by the City. All sampling and analysis shall be done in a manner and by a laboratory previously approved by the Waste water supervisor. The Waste water supervisor shall require all analysis related to National Categorical Pretreatment Standards to be performed in accordance with the procedures established by the EPA pursuant to Section 304 (g) of the Act and contained in 40 CFR 136 or other applicable analytical procedures approved by the EPA. To the degree practicable, the Waste water supervisor will provide each permit holder or applicant with information on applicable local, State and Federal wastewater analysis and reporting requirements; provided, however, that any failure to do so shall not excuse the permit holder from compliance with said requirements.

Section 34. Monitoring Facilities. When required by the Waste water supervisor, the permit holder shall install and maintain at its expense a suitable control manhole to facilitate observation, sampling and measurement of wastewater being discharged into the City sewerage system. Such manhole shall be located, if feasible, where it is accessible from a public road or street. It shall be constructed in accordance with plans and at a location approved by the Waste water supervisor and shall be arranged so that flow measuring and sampling equipment and a shutoff gate or a screen may be conveniently installed by the City.

Section 35. Inspection and Sampling. The City shall have the right to inspect the facilities of any nonresidential connection subject to pretreatment standards as necessary to determine compliance with pretreatment standards. These inspections shall take place whether or not the provisions of this ordinance are being complied with. The owner, operator or agent in charge of premises where wastewater is created or discharged shall allow authorized representatives of the City, State and EPA, upon presentation of their credentials, access at all reasonable times to all parts of the premises for the purpose of the performance of any of their duties, including but not limited to: inspection, observation, sampling and/or records copying and examination. The City, State and EPA shall have the right to set up on the nonresidential permittee's property such devices as may be necessary or proper to conduct sampling, observation, inspection, compliance monitoring and/or metering operations. The nonresidential connection shall make arrangements with its employees so that, upon presentation of their credentials, representatives from the City, State or EPA will be permitted to enter, without delay, for the purpose of performing their responsibilities.

Section 36. Pretreatment. As a condition of the granting of a Wastewater Discharge Permit, the permit holder may be required to install pretreatment facilities or make plant or process modifications as deemed necessary by the Waste water supervisor to meet the requirements of this ordinance.

Whenever such facilities or modifications are required, they shall be constructed, installed, operated and maintained at the expense of the permit holder and in a manner and within the time prescribed by the Waste water supervisor. The permit holder shall maintain records indicating

routine maintenance check dates, cleaning and waste removal dates and means of disposal of accumulated wastes. Such records shall be retained for a minimum of three (3) years and shall be subject to review in accordance with this ordinance. Approval of proposed facilities or modifications by the City Administrator will not in any way guarantee that these facilities or modifications will function in the required manner or attain the required results, nor shall it relieve a permit holder of the responsibility of enlarging or otherwise modifying or replacing such facilities to accomplish the intended purpose and to meet the applicable standards, limitations and conditions of a Wastewater Discharge Permit.

Section 37. Confidential Information. Information and data obtained by the City from reports, questionnaires, permit applications, permits and monitoring programs shall be available to the public and other governmental agencies without restriction unless the permit holder requests in writing that it be confidential and demonstrates to the satisfaction of the Waste water supervisor that such records are exempt from disclosure under ORS 192.500(1)(b), (e) or (2)(g). Notwithstanding anything herein to the contrary, all such data shall be available at least to the extent necessary that the Waste water supervisor can ensure compliance with the requirements of 40 OAR 2.302 and to State and Federal agencies as required during judicial or enforcement proceedings involving the nonresidential permittee.

When confidentiality is requested and the right thereto is established by the permit holder, the confidential information shall not be made available for inspection by the public but may be made available upon written request to governmental agencies for uses related to this ordinance, the NODES permit or pretreatment programs. However, all portions of a report shall be available for use by the City or State in judicial or enforcement proceedings involving the person furnishing the report.

Enforcement.

Section 38. Public Nuisance. Any discharge in violation of this ordinance, the conditions of the Wastewater Discharge Permit, or any other violation of this ordinance, is hereby declared to be a public nuisance. Such nuisance may be abated or enjoined and damages assessed therefor in accordance with other provisions in the City Code or in any other manner provided by law.

Section 39. Harmful Contributions.

a. The City may suspend the wastewater treatment service and/or a Wastewater Contribution Permit when suspension is necessary to stop an actual or threatened discharge that presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the city to violate any condition of its NPDES Permit.

b. Any person notified of a suspension of the wastewater treatment service or the wastewater contribution permit shall immediately stop or eliminate the contribution. If a person fails to comply voluntarily with the suspension order, the city may take steps necessary, including immediate severance of the sewer connection to prevent or minimize damage to the POTW

system or endangerment to any individuals. The City shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the permittee describing the causes of the harmful contribution and the measures taken to prevent any future occurrences shall be submitted to the city within fifteen days of the date of occurrence.

Section 40. Cease and Desist Order. In the event of any actual or threatened discharge into the City sewerage system in violation of this ordinance or the conditions of a Wastewater Discharge Permit, which discharge presents an imminent or existing danger to the health or welfare of persons, property or the environment or which has caused or will cause damage to or interference with the operation of the City sewerage system, the Waste water supervisor may issue an order to cease and desist and direct that those nonresidential permittees responsible for such violation:

Comply forthwith;

Comply in accordance with the time schedule set forth by the City Administrator; or

Take appropriate remedial or preventive action.

If the nonresidential connection in noncompliance fails to comply with the order, the City shall take such steps as are deemed necessary or proper including immediate severance of the sewer connection. The City shall reinstate the wastewater treatment service upon proof of the elimination of the actual or threatened violation. The filing of an appeal pursuant to this ordinance shall not stay enforcement of the Waste water supervisor.

Section 41. Revoking a Permit and Terminating Service.

a. Any nonresidential connection who violates any of the provisions of this ordinance or the conditions of its Wastewater Discharge Permit, which violation presents an imminent danger to health, property or the environment, or which violation has caused or will cause damage to or interference with the operation of the City sewerage system, may have its Wastewater Discharge Permit revoked and sewer connection severed by order of the Waste water supervisor.

b. The order shall be signed by the Waste water supervisor and shall specify the nature and source of the violations. The order shall be delivered or sent by regular mail to the address of the nonresidential connection as shown on the permit. The order may specify the corrective actions to be taken and shall allow reasonable time for satisfactory correction. If the permit holder does not correct the violation within the time specified, or such additional time as may be allowed in writing by the Waste water supervisor, then the Wastewater Discharge Permit shall be revoked and the sewer connection severed as provided in the order. Correction of the violation shall not include assessment of monetary penalties.

c. The filing of an appeal pursuant to Section **Error! Reference source not found.** shall stay enforcement of the action by the Waste water supervisor under this subsection pending final administrative action on the appeal. This provision Supplements and does not restrict other

provisions of this code, laws or regulations authorizing termination of service for delinquency in payments of fees or charges.

Section 42. Notification of Violations. The City will send any person who has violated or is violating this ordinance or their permit, a written notice stating the nature of the violation. Within 30 days of the date of the notice, the person shall submit to the City a plan for the satisfactory correction of the violation.

Section 43. Appeals to the City Council. Any person aggrieved by the final determination of the Waste water supervisor may appeal such determination to the City Council within ten (10) days of notification by the Waste water supervisor of the final determination. Written notification of such appeal shall be filed with the City and Waste water supervisor within ten (10) days after receipt of the final determination of the Waste water supervisor. The notice of appeal shall be on a form provided by the Waste water supervisor and shall set forth in reasonable detail the decision or action being appealed and the facts and arguments supporting the appellant's request for reversal or modification of the City Administrator's determination. The City Council shall conduct a hearing on the appeal and shall render a decision thereon within twenty (20) days of its filing. Prior to the hearing, the Waste water supervisor shall provide the City Council with his findings and recommendations regarding the appeal. Within ten (10) days after the hearing, the Waste water supervisor shall notify the appellant of the Council's decision. Any legal review of this decision shall be by writ of review in the Coos County Circuit Court.

Section 44. Damage. Any person who violates this ordinance or a condition of a Wastewater Discharge Permit, as a result of which the City performs or causes to be performed preventive or corrective work or which results in damage to the City sewerage system, shall be liable to the City for such damage and the cost of such corrective work and/or additional treatment and for any penalties, including the withholding of any grant money, levied against the City for violation of State or Federal permits resulting from said violation. The City may collect such charges in the manner provided in the City Code for the collection of sewer connection charges, or in any other manner provided by law.

Section 45. Civil Penalties. Any person who violates any provision of this ordinance or any provision of a Wastewater Discharge Permit shall be liable civilly to the City in a sum not to exceed \$500.00 for each day in which such violation occurs.

Section 46. Criminal Penalties. Any person who knowingly commits the following offenses shall upon conviction be punished by a fine of not more than \$500.00 or by imprisonment for not more than 100 days, or by both:

- a. Violation of this ordinance or any provision of a Wastewater Discharge Permit, or
- b. Making any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance or a Wastewater Discharge Permit, or who knowingly falsifies, tampers with or renders inaccurate any monitoring device or method required under this ordinance or a Wastewater Discharge Permit.

Section 47. Remedies. The remedies provided for in this section shall be Cumulative and not exclusive and shall be in addition to any and all other remedies available to the City.

Section 48. Effective date. To promote the public health and safety, and to insure that there is an immediate compliance with an order of the Court, an emergency is declared, and the Ordinance shall become effective immediately.

Section 49. Repealer. Sections 1 - 34, inclusive, of Ordinance 197, as amended, and as potentially revived, is hereby repealed.

Section 50. Repealer. Sections 1 - 34, inclusive, of Ordinance 205, as amended, is hereby repealed.

Section 51. Repealer. Ordinance 02-237, as amended, is hereby repealed.

Section 52. Savings. Should any article, section or portion thereof of this Ordinance be held unlawful and unenforceable by any court of competent jurisdiction, such decision of the court shall apply only to the specific Article, Section or portion thereof directly specified in the decision. All other sections and portions of this Ordinance shall remain in full force and effect.

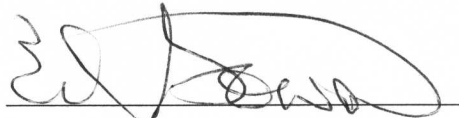
Section 53. Effect of code on past actions and obligations. Neither the adoption of this Ordinance nor the repeal or amendments hereby of any ordinance or part or portion of any ordinance of the city shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any bill, license, fee or penalty at the effective date due and unpaid under such ordinance, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such bill, license, fee or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect.

FIRST READ to the Council the 9th day of June, 2005.

PASSED by the Council this 9th day of June, 2005.

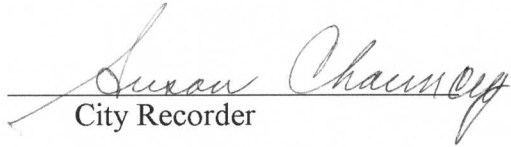
SIGNED by the Mayor this 9th day of June, 2005.

Effective this 9th day of June, 2005.



Mayor

ATTEST:


City Recorder