

Chapter 13.04

SANITARY SEWERS – GENERAL REGULATIONS*

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* For statutory provisions on city power to operate a sewer system, see ORS [224.140](#) and [454.215](#)

13.04.010 Sanitary Sewer System – City’s Declaration of Intent to Acquire.

Pursuant to the general laws of the state of Oregon and the charter of the city, the city council declares its intention to own, acquire, construct, equip, operate and maintain, either within or without the corporate limits in whole or in part, sewers, including maintenance, enlargement, or extension of the present sewer system of the city, wastewater treatment or disposal plant or plants, intercepting sewers, outfall sewers, force mains, pumping stations or ejector stations, with all appurtenances necessary, useful or convenient for the treatment and disposal of wastewater. (Ord. 4987, 2015).

13.04.020 Intent and Purpose.

The intent and purpose of Chapters [13.04](#) through [13.12](#) MMC is to provide for the orderly functioning of the Publicly Owned Treatment Works (POTW) for the city; and to enable the city to comply with applicable state and federal laws, particularly the Clean Water Act of 1977 (and amendments thereto) and the general pretreatment regulations ([40](#) CFR Part [403](#)). Except as otherwise provided herein, the Director shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Director may be delegated by the Director to a duly authorized city employee. (Ord. 4987, 2015).

* For statutory provisions on city power to operate a sewer system, see ORS [224.140](#) and [454.215](#)

13.04.030 Objectives.

The objectives of Chapters [13.04](#) through [13.12](#) MMC are:

- A. To provide control of construction and use of the wastewater system;
- B. To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting biosolids;
- C. To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- D. To improve the opportunity to recycle and reclaim wastewater and biosolids from the system;
- E. To provide for equitable distribution of the cost of the municipal wastewater system in compliance with the Environmental Protection Agency's requirements;
- F. To assure the financial self-sufficiency of the sewerage system;
- G. To enable the city to comply with its National Pollutant Discharge Elimination System permit conditions, biosolids use and disposal requirements, and any other federal or state laws to which the Publicly Owned Treatment Works is subject;
- H. To protect the health and safety of the wastewater treatment works personnel who may be affected by wastewater or biosolids in the course of their employment and to protect the health and safety of the general public.

In activating the objectives of Chapters [13.04](#) through [13.12](#) MMC, it shall be the policy of the city to actively promote the health of the industrial community through accommodation, assistance and cooperation; consistent with the city's responsibility to protect the waters of the state from pollution and to secure the health, safety, and welfare of the residents of the community. To that end, Chapters [13.04](#) through [13.12](#) MMC shall be implemented using good professional judgment with associated decisions taking all known facts into consideration.

Chapters [13.04](#) through [13.12](#) MMC provide for the regulation of the Industrial Users of the municipal wastewater system through the issuance of control mechanisms such as permits (both individual and general and best management practices (BMPs)), and through enforcement activities; assures that existing customers' capacity will not be preempted; and requires Industrial User reporting. (Ord. 4987, 2015).

13.04.040 Definitions.

A. Unless the context specifically indicates otherwise, the following terms and phrases, as used in Chapters [13.04](#) through [13.12](#) MMC, shall have the meanings hereinafter designated:

1. “Act” or “the Act” means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, [33](#) USC [1251](#), et seq.
2. “Ammonia Nitrogen (NH₃)” means the total free ammonia nitrogen measured as nitrogen and expressed in milligrams per liter.
3. “Authorized Representative of the Industrial User” means
 - a. If the Industrial User is a corporation:
 - i. 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
 - ii. 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 industrial wastewater discharge permit or general permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - b. If the Industrial User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 - c. If the Industrial User is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - d. The individuals described in subsections [\(A\)\(3\)\(a\)](#) through [\(A\)\(3\)\(c\)](#) of this section 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.

4. “Available sewer” means any sewer that can be used without the need to acquire easements and where sufficient grade and capacity exists to serve the property and where the public sewer is within 300 feet of the property.
5. “Biochemical Oxygen Demand (BOD5)” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).
6. “Best Management Practices or BMPs” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in MMC [13.05.010\(A\)](#) and [\(B\)](#) in accordance with [40 CFR 403.5\(a\)\(1\)](#) and [\(b\)](#). 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.
7. “Building drain” means that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes within or adjoining the building or structure, and conveys the same to the building sanitary sewer.
8. “Building Official” means the building official for the city, or his or her duly authorized representative or agent.
9. “Building sewer” means the portion of a sanitary sewer system extending from the street right-of-way or public easement line, including the connection to the lateral, to the building cleanout, or if no cleanout exists, to a point five feet outside the building. The building sewer receives the discharge of the building drain and conveys it to a public sewer.
10. “Building storm sewer” means that part of the piping of a stormwater drainage system which begins at the connection to the building storm drain at a point five feet outside the established line of the building or structures, and conveys stormwater, surface water, and other unpolluted water to the public storm sewer, street, and other point of disposal.
11. “Business building” means and includes buildings used wholly or in part for the conducting of any commercial, retail, or wholesale business or service agency, but this enumeration shall not be deemed exclusive, and all other buildings or premises used for any commercial purpose other than a residence or for manufacturing and industrial purposes shall be deemed a business building.
12. “Categorical Industrial User” means an Industrial User subject to a Categorical Pretreatment Standard or categorical standard.
13. “Categorical Pretreatment Standards” or “Categorical Standard” means any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act ([33 U.S.C. Section 1317](#)) that apply to a specific category of users and that appear in [40 CFR Chapter I, Subchapter N, Parts 405-471](#).

14. “Chemical Oxygen Demand (COD)” means a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
15. “City” means the municipality of McMinnville, Oregon, a municipal corporation of the state of Oregon, acting through the city council or any board, committee, body, official or person to whom the city council shall have lawfully delegated the power to act for or on behalf of the city.
16. “Collection system” means facilities maintained by the city for collection, pumping, conveying and controlling wastewater.
17. “Combined sewer” means a sewer that is designated as both a sanitary sewer and a storm sewer.
18. “Composite sample” means a sample made up of a number of combined individual grab samples collected at uniform intervals based on an increment of either time or flow.
19. “Control manhole” means a manhole installed as required by the Director under the provisions of Chapters [13.04](#) through [13.12](#) MMC; or if no manhole has so been installed, the term “controlled manhole” means such a point, as shall be determined by the Director to which industrial wastewater is produced on the premises and discharged into a sanitary sewer are accessible for testing.
20. “Cooling water” means the water discharged from any use to which the only pollutant added is heat.
21. “Daily maximum” means the maximum value of a particular parameter recorded from effluent samples collected during a calendar day.
22. “Daily Maximum Limit” means 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 arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
23. “Defects” mean cracks, broken pipe, crushed pipe, open or offset joints, root intrusion, or other imperfection in a sanitary sewer pipe which can potentially allow entry of ground water into the sanitary sewer system. Defects shall also include direct connections as defined below.
24. “Direct connections” mean the connections of roof drains, foundation drains, or similar conduits to the sewer lateral or main which may allow entry of rain, surface drainage, or ground water into the sanitary sewer system.
25. “Direct discharge” means the discharge of treated or untreated wastewater directly into the waters of the state of Oregon.
26. “Director” means the Public Works Director or their duly authorized representative or agent.
27. “Discharge” means the deposit of pollutants into the city sewerage system.

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28. “Dormitory,” “fraternity,” or “sorority” means a building designed, intended, or used for accommodation for students or living groups of unrelated persons which may or may not furnish meals with said accommodation.
29. “Drainage water” means stormwater, ground water, surface drainage, subsurface drainage, spring water, well overflow, roof drainage or other like drainage other than wastewater or industrial wastewater.
30. “Dwelling unit” means a facility designed for permanent or semi-permanent occupancy and provided with minimum kitchen, sleeping, and sanitary facilities for one family.
31. “Engineer” means a Professional Engineer licensed by the state of Oregon as defined by ORS 672.002.
32. “Environment” means any naturally occurring river, stream, creek, or other waterway, and land mass, the atmosphere, or any subsurface water, aquifer, or groundwater or any manmade edifice directly or indirectly connected to the waterways, land masses, atmosphere, or groundwater as herein listed.
33. “Environmental Protection Agency or EPA” means 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.
34. “Equivalent Dwelling Unit” (EDU) means a nonresidential unit which is deemed equivalent to a residential dwelling unit as provided herein or as provided in the Oregon Plumbing Specialty Code.
35. “Existing source” means any source of discharge that is not a “New Source.”
36. “Fixture Unit” (FU) means fixture load values for drainage piping and shall be as specified in MMC [13.08.050\(A\)\(2\)](#). and as specified in the Oregon Plumbing Specialty Code and Administrative Rules.
37. “Flow” means the daily total of wastewater flow from an industrial or residential source.
38. “Frontage” shall be measured along the adjacent street or along the sewer itself where it traverses a parcel. Frontage measurements will be only for those portions of a parcel being developed including parking lots, lesser structures, and general improvement. The balance of the parcel shall be subject to future charges at rates then in force.
39. “Garbage” means solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.
40. “Governmental building” means and includes buildings used wholly or in part by the city service districts, Yamhill County, the State, and the United States Government or any agency of the before-mentioned governmental divisions.
41. “Grab sample” means a sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed 15 minutes.

42. “Grace period” means the 180 calendar day period beginning on the date of the notice of a defect. The city may make incentives available during the grace period to encourage property owners to replace defective building sewers. Penalty assessments shall begin at the end of the grace period.
43. “Holding tanks or septic tank waste” means waste from chemical toilets, campers, trailers, coffee stands, or septic tanks.
44. “Indirect discharge” means the introduction of pollutants into a POTW from any nonresidential source regulated under Section 307(b), (c), or (d) of the Act.
45. “Industrial or manufacturing building” means and includes buildings used wholly or in part for the manufacturing and fabrication of any article or thing.
46. “Industrial User” means any person, including a mobile waste hauler, who discharges wastewater from a source other than a residential dwelling unit(s) directly connected into the city wastewater system. An Industrial User is a source of indirect discharge.
47. “Industrial wastewater discharge permit” means a permit to discharge industrial wastewater into the city sewer system issued under the authority of Chapters [13.04](#) through [13.12](#) MMC and which prescribes certain discharge requirements and limitations. This may be an individual or general permit, which may incorporate best management practices (BMPs).
48. “Industrial wastewater” means any nonresidential liquid, gaseous substance, or semisolid from any producing, manufacturing business or trade, or processing operation of whatever nature (as distinct from residential wastewater).
49. “Inflow/Infiltration” (I/I) Infiltration is groundwater that enters the sanitary sewer system through leaks in the sewer pipe and lateral. Inflow is stormwater that enters the sanitary sewer system through direct connections.
50. “Instantaneous limit” means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
51. “Institution” means any building or group of buildings used as a correction facility, schools, care facilities, hospitals and similar; publicly or privately owned.
52. “Institutional building” means and includes a building used wholly or in part by an institution.
53. “Interference” means 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 biosolids processes, use or disposal; and therefore, is a cause of a violation of the city’s NPDES permit or of the prevention of biosolid use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local regulations including: Section

405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state biosolids 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.

54. “Lateral” means any side lateral pipeline off a sewer main which is in the public right-of-way or easement, operated and maintained by the city and to which a building sewer connects or may connect.

55. “Lateral or building sewer preventive and corrective maintenance” means those activities required to preserve or restore functional operation and the free-flowing condition of the sewer. These activities include, but are not limited to, inspection, root and blockage removal, and cleaning.

56. “Lateral or building sewer structural maintenance” means those construction, pipe repair, and pipe replacement activities required to correct defects and preserve the structural integrity and watertight condition of the sewer.

57. “Local Limit” means a specific discharge limit developed and enforced by the city upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in [40 CFR 403.5\(a\)\(1\)](#) and [\(b\)](#).

58. “Manufactured home park” means and includes all trailer courts and other similar installations offering accommodations for two or more manufactured homes, whether or not such manufactures homes are on wheels, skids, or permanent or semi-permanent foundations.

59. “Medical waste” means 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.

60. “Mobile waste hauler” means a person whom, by contract or otherwise, collects wastewater, including residential wastewater and septage, for transportation to and discharged at city designated sites.

61. “Mobile waste hauler permit” means a permit issued pursuant to Chapters [13.04](#) through [13.12](#) MMC.

62. “Month” as used in Chapters [13.04](#) through [13.12](#) MMC refers to billing cycle or month as determined by McMinnville Water and Light.

63. “Monthly average” means the sum of all daily values measured during a calendar month divided by the number of daily value discharges measured during that month.

64. “Monthly average limit” means 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.

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65. “Motel” or “hotel” means a building or group of buildings designed, intended, or used for the accommodation of tourists, transient and seasonally permanent guests for compensation.
66. “Multifamily dwelling” means a building or group of buildings or dwelling units or portion thereof designed for occupancy by two or more families, living independently of each other.
67. “Multiple-family resident” means and includes all buildings and structures used primarily for housing more than a single family, and will include duplexes, triplexes, four-plexes, apartments, condominiums, and manufactures home parks.
68. “National Pollutant Discharge Elimination System (NPDES) permit” means a permit issued pursuant to ORS [468B.050](#) and the Act.
69. “National pretreatment standards or Standard” means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to [40 CFR 403.5](#).
70. “National prohibitive discharge standards or prohibitive discharge standard” means prohibited discharges under the authority of [40 CFR 403.5](#).
71. “Natural outlet” means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
72. “New source” means:
- a. Any building, structure, facility, or installation from which there is or may be discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - i. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - ii. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - iii. The production or wastewater generating 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 existing source shall be considered.
 - b. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation
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meeting the criteria of subsection [\(A\)\(71\)\(a\)\(ii\)](#) or [\(A\)\(71\)\(a\)\(iii\)](#) of this section but otherwise alters, replaces, or adds to existing process or production equipment.

c. Construction of a new source as defined herein has commenced if the owner or operator has:

i. Begun, or caused to begin as part of a continuous on-site construction program:

A Any placement, assembly, or installation of facilities or equipment; or

B Significant site preparation work including clearing excavation, or removal of existing buildings, structures, or facilities which is necessary for placement, assembly, or installation of new source facilities or equipment; or

ii. Entered into a building contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without such substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation.

73. “North American Industry Classification System (NAICS)” means the standard used by federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy, which was developed under the auspices of the Office of Management and Budget (OMB), and adopted in 1997 to replace the Standard Industrial Classification (SIC) system.

74. “Operation and maintenance” means activities required to assure the dependable and economical function of treatment works.

a. “Maintenance” means preservation of functional integrity and efficiency of equipment and structures. This includes preventative maintenance, corrective maintenance and replacement of equipment.

b. “Operation” means control of the unit processes and equipment which make up the treatment works. This includes financial and personnel management records, laboratory control, safety, and emergency operation planning.

75. ”OPSC” means the current edition of the Oregon Plumbing Specialty Code, as adopted by the Oregon Department of Consumer and Business Services, Building Codes Division.

76. “Pass through” means the occurrence of an indirect discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation).

77. “Parameter” means a characteristic of wastewater that may be measured or calculated and is used in Chapters [13.04](#) through [13.12](#) MMC as a discharge limitation.

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78. “Permittee” means any person or business that holds a control mechanism (permit or BMP) issued by the city for the purpose of discharging wastewater into the municipal sewer system.
79. “Person(s)” means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company entity or their legal representatives, agents or assignees. This definition includes all federal, state, or local government entities.
80. “pH” means a measure of the acidity or alkalinity of a solution, expressed in standard units (SU).
81. “Plant manager” means the person designated by the city to supervise the operation of the POTW, or a duly authorized representative thereof.
82. “Pollutant” means 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 wastes; and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
83. “Pollution” means the degradation of the chemical, physical, biological, or radiological quality of the ground, surface, subsurface, or storm drainage waters by man, or the activities thereof.
84. “Pollution prevention” means source reduction and other practices that reduce or eliminate the creation of pollutants through:
- a. Increased efficiency in the use of raw materials, energy, water, or other resources;
 - b. Protection of natural resources by conservation;
 - c. Education outreach.
85. “Preliminary treatment facilities” means any device, structure or method which will remove specified pollutants and/or chemicals from the wastewater prior to its discharge into the public sewer.
86. “Pretreatment” means 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 introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
87. “Pretreatment requirement” means any substantive or procedural requirement related to pretreatment imposed on an Industrial User, other than a pretreatment standard.
88. “Private collection system” means a privately owned and maintained sewer system installed to serve multiunit structures on single ownership properties, which cannot legally be further divided, such as

apartments, manufactured home parks, and schools. A single-family residence with an unattached garage or shop with sanitary facilities is exempt from this definition.

89. “Properly shredded garbage” means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

90. “Public sewer” means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

91. “Publicly Owned Treatment Works (POTW)” means a treatment works, as defined by Section 212 of the Act ([33 U.S.C. section 1292](#)), which is owned by the city. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

92. “Recreational vehicle park” means a facility intended for the short term transitory use of a recreational vehicle trailer or motor home. The use is primarily for vacation or travel. The length of stay is generally one week or less, but occasionally could be up to one month. This use does not include a trailer or motor home being used as a permanent residence.

93. “Replacement” means obtaining and installing equipment, accessories, or appurtenances which are necessary during the design or useful life, whichever is longer, of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

94. “Residential sewage or waste” means wastewater of the type commonly introduced into a treatment works by residential users and includes the contents of chemical toilets, septic tanks, and waste holding tanks provided they contain wastewater of the type commonly introduced by residential users.

95. “Residential user” means the occupant or lessee of a dwelling unit as defined in Chapters [13.04](#) through [13.12](#) MMC. The dwelling unit may be single-family dwelling, or a portion of a multifamily dwelling.

96. “Sanitary sewer” means a conduit intended to carry liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions.

97. “Septage” means the liquid and solid material pumped from a septic tank, cesspool, or similar residential wastewater treatment system, or a holding tank when the system is cleaned or maintained.

98. “Settleable solids” means those solids that are capable of being settled in a standard Imhoff cone as outlined in “Standard Methods.”

99. “Sewerage system (system)” means the entire wastewater collection and treatment system, exclusive of building sewers. This includes all conduits, pumps, treatment equipment and any other components

involved in the collection, transportation, treatment, and disposal of sanitary and industrial wastewater and biosolids.

100. “Sewer main” means any public sewer except for laterals.

101. “Sewer user” means any person using a city sewer; or who has a residence, multifamily or commercial building, institutional building, industrial facility, or other structure containing plumbing, requiring connection to a sanitary sewer as outlined by Chapters [13.04](#) through [13.12](#) MMC.

102. “Sewer user charge” means a charge levied on sewer users of a treatment works for the sewer user’s proportionate share of the cost of operation and maintenance (including replacement) of such works.

103. “Shall” is mandatory; “May” is permissive.

104. “Significant Industrial User” except as provided in subsection [\(A\)\(103\)\(b\)\(iii\)](#) of this section a Significant Industrial User is:

- a. An Industrial User subject to Categorical Pretreatment Standards; or
- b. An Industrial User that:
 - i. Discharges an average of 25,000 gallons per day (gpd) or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - ii. Contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - iii. 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.
- c. Upon a finding that an Industrial User meeting the criteria in subsections [\(A\)\(103\)\(a\)](#) and [\(A\)\(103\)\(b\)](#) of this section 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 an Industrial User, and in accordance with procedures in [40 CFR 403.8\(f\)\(6\)](#), determine that such Industrial User should not be considered a Significant Industrial User.

105. “Single-family dwelling” or “single-family residence” means any residential building designed for occupancy by only one family.

106. “Slugload or slug discharge” means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in MMC [13.05.010](#). A slug discharge is any discharge of a not routine, episodic nature, including but not limited to an accidental spill or a

non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, Local Limits or permit conditions.

107. "Standard Industrial Classification (SIC)" means a classification pursuant to the "Standard Industrial Classification Manual" issued by the Executive Office of the President, Office of Management and Budget, 1972; as amended from time to time.

108. "Standard Methods" means the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater," published jointly by the American Public Works Health Association, the American Water Works Association and the Water Environment Federation.

109. "Storm drain" means that portion of the storm drainage system that is within the public right-of-way or easement operated and maintained by the city. This may include, but is not limited to, pipes, culverts, ditches, waterways, or any other appurtenances used for the removal or transportation of rainwater or other unpolluted water.

110. "Storm sewer" means a sewer which carries storm and surface waters and drainage, but excludes wastewater.

111. "Stormwater" means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

112. "System Development Charge" (SDC) or "Connection fee" means and includes the fees to be paid for the privilege of connecting any premises to any city sewer within or without the corporate limits of the city.

113. "Total Phosphorus" (TP) means the concentration of total phosphorus as determined in accordance with [40 CFR Part 136](#), or as EPA otherwise determines.

114. "Total Suspended Solids" means 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.

115. "Toxic pollutants" means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA.

116. "Treatment plant" means that portion of the POTW which is designed to provide treatment of residential sewage and industrial waste.

117. "Unit" means the division of measurements used which, in regard to residential, is one unit equals one family, be it in single-family, multiple-family, manufactured home, apartment, or other.

118. "Unpolluted water" means water to which no wastewater or industrial wastewater has been added; or water which has been used in such a manner that no pollutants have been introduced to the flow.

119. “Upset” means an exceptional incident in which an Industrial User unintentionally and temporarily is in a state of noncompliance with the discharge requirements set forth in Chapters [13.04](#) through [13.12](#) MMC due to factors beyond the reasonable control of the Industrial User; and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation thereof.

120. “Wastewater” or “sewage” means liquid or water-carried pollutants including any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

121. “Watercourse” means a channel in which a flow of water occurs, either continuously or intermittently.

122. “Water user” means any person using water through the facilities of the municipal water system. (Ord. 4987, 2015).

13.04.050 Abbreviations.

For the purpose of Chapters [13.04](#) through [13.12](#) MMC, the following abbreviations mean:

- A. ABS – Acrylonitrile Butadiene Styrene pipe
- B. BOD5 – Biochemical oxygen demand (five day);
- C. BMP – Best Management Practice
- D. CFR – Code of Federal Regulations;
- E. CIPP – Cured In Place Pipe
- F. CIU – Categorical Industrial User;
- G. COD – Chemical oxygen demand;
- H. DEQ – Oregon department of Environmental Quality;
- I. EDU – Equivalent Dwelling unit
- J. EPA – U.S. Environmental Protection Agency;
- K. GPD – Gallons per day
- L. HDPE – High-Density Polyethylene pipe
- M. l – Liter;

- N. mg – Milligram;
- O. mg/l – Milligram per liter;
- P. NAICS – North American Industry Classification System or SIC – Standard Industrial Classification;
- Q. NH₃ – Ammonia Nitrogen;
- R. NPDES – National Pollutant Discharge Elimination System;
- S. OPSC – Oregon Plumbing Specialty Code;
- T. ORS – Oregon Revised Statutes;
- U. POTW – Publicly Owned Treatment Works;
- V. PVC – Polyvinyl Chloride pipe
- W. RCRA – Resource Conservation and Recovery Act;
- X. SNC – Significant Noncompliance;
- Y. SWDA – Solid Waste Disposal Act, [42](#) USC, [6901](#), et seq;
- Z. TP – Total Phosphorus;
- AA. TSS – Total Suspended Solids;
- AB. USC – United States Code. (Ord. 4987, 2015).

13.04.060 General Organization and Operation.

A. *Management of the Wastewater Disposal System.* The city of McMinnville wastewater disposal system shall be and remain under the management, supervision, and control of the city manager who may employ or designate such person or persons in such capacity or capacities as he deems advisable to carry out the efficient management and operation of the system. The city manager or his or her designee may make such rules, orders or regulations as deemed advisable and necessary to assure the efficient management and operation of the system; subject, however, to the rights, powers, and duties with respect thereto which are reserved by law to the city council.

B. *Standards, Rules and Regulations.* The standard, rules and regulations established in or pursuant to Chapters [13.04](#) through [13.12](#) MMC are deemed to be consistent with the preservation of the public health, safety and welfare, to prevent pollution of the environment, and to fulfill the obligations of the city with respect to state and federal law and all rules and regulations adopted in conformance thereto. The discharge

into the system of any substance which exceeds the limitations contained herein, or which, in any manner, fails to conform hereto, is declared to be a public nuisance and a violation of Chapters [13.04](#) through [13.12](#) MMC.

C. *Use of Wastewater Disposal System.* Any person who conforms to the standards, rules, and regulations established in or pursuant to Chapters [13.04](#) through [13.12](#) MMC shall be permitted to discharge effluent into the system provided there exists adequate sewer service available to which they can connect. (Ord. 4987, 2015).

13.04.070 Use of Public Sewers Required.

A. It is unlawful of any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the city of McMinnville, or in any area under the jurisdiction of the city, any human or animal excretion, garbage, or other objectionable waste material which creates an offensive odor or health hazard and/or attracts vermin.

B. It is unlawful to discharge to any natural outlet within the city of McMinnville or in any area under the jurisdiction of the city, any wastewater, commercial or industrial wastewater, or other polluted water, except where suitable treatment has been provided in accordance with provisions of Chapters [13.04](#) through [13.12](#) MMC.

C. Except as hereinafter provided, it is unlawful to construct or maintain any privy, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

D. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the city of McMinnville, and abutting on any street, alley, easement, or right-of-way in which there is now located or may in the future be located a sanitary sewer of the city, is required at his or her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper sewer in accordance with the provisions of Chapters [13.04](#) through [13.12](#) MMC, within 90 days after date of official notice to do so, provided that the sewer is within 300 feet of the property line or as specified in [OAR 340-071-0160 \(4\)\(A\)](#). (Ord. 4987, 2015).

13.04.080 Private Wastewater Disposal.

A. Where a public sanitary sewer is not available under the provisions of MMC [13.04.070\(D\)](#), the building sewer shall be connected to a private sewage system complying with the provisions of this section.

B. Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit from the county sanitarian. The application for such permit shall be made in writing and supplemented by any plans, specifications, and other information as are deemed necessary by the county

sanitarian and Director. A permit and inspection fee as required shall be paid to the proper agency at the time the application is filed.

C. A permit for the private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the county sanitarian. The agent of the city shall be allowed to inspect the construction and no underground portions shall be permitted to discharge to any public sewer or natural outlet.

D. At such time, as a public sewer becomes available to a property served by a private wastewater disposal system, a connection shall be made to the public sewer in compliance with Chapters [13.04](#) through [13.12](#) MMC, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be abandoned and after pumping filled with suitable material at the time of said connection.

E. The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the city of McMinnville.

F. No statement contained in Chapters [13.04](#) through [13.12](#) MMC shall be construed to interfere with any additional requirements that may be imposed by the health officer. (Ord. 4987, 2015).

13.04.090 Building Sewers and Connections.

A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a permit from the City Engineer.

B. The owner of the sewer or their agent shall make application for the permit to the City Engineer. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the City Engineer. A permit and inspection fee shall be paid to the city at the time the application is filed.

C. All costs and expenses incidental to the installation of the sewer connection shall be borne by the owner. The owner shall indemnify the city of McMinnville from any loss or damage that may directly or indirectly be occasioned by the installation.

D. A single separate sewer connection shall be provided for every parcel. Additional laterals could be granted by the City Engineer.

E. Existing building sewers may be used in connection with new buildings only when they are found, upon examination and test, to meet all requirements of Chapters [13.04](#) through [13.12](#) MMC. Replacement of unsatisfactory building sewers shall be the responsibility of the owner and all costs associated with replacement shall be borne by the owner.

F. The sewer connection pipe shall be of a material listed in the Oregon Plumbing Specialty Code. Joints shall be tight and waterproof. Special protection may be required by the City Engineer where the sewer is exposed to damage by tree roots, shallow cover, or footings.

G. The size and slope of the sewer connection shall be subject to the approval of the City Engineer, but in no event shall the diameter be less than that allowed by the Oregon Plumbing Specialty Code and the slope less than 1/8 inch per foot from the sewer line to the building line.

H. The sewer connection shall be laid at a uniform grade and in the straight alignment insofar as possible and not closer than five feet from any bearing wall, which might thereby be weakened. Closer alignment may be considered with changes in pipe material, backfill, and trench protection consideration. Changes in direction shall be made only with properly curved pipe and/or fittings as required in the plumbing codes of the state of Oregon.

I. All excavations for sewer connections shall be open trench unless approved by the City Engineer, and no backfill shall be placed until the work has been inspected and approved.

J. Sewer joints shall be made with the proper materials as specified by the particular manufacturer.

K. The building sewer connection shall be made at the end of the sewer lateral. If the designated sewer lateral does not exist, that owner shall, at his or her expense, have installed a new sewer lateral which shall not extend past the inner surface of the public sewer main. Said sewer lateral shall not be less than four inches in diameter nor any pipe run under the street right-of-way shall be less than four inches in diameter. A smooth, neat joint shall be made and the connection made secure and watertight.

L. The applicant for the sewer connection permit shall notify the City Engineer when the sewer is ready for inspection. The connection shall be made under the supervision of the City Engineer.

M. All excavations for 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 City Engineer.

N. The applicant shall maintain in force at its own expense General Liability insurance and Automobile Liability insurance in an amount and form to be determined by the City Engineer. As evidence of insurance coverage required by this section, the applicant shall furnish acceptable insurance certificates to the City Engineer. The certificates shall provide that “the city, and its agents, officers, and employees” are additional insureds. The certificate will include a 30-day cancellation clause.

Insuring companies or entities are subject to city acceptance. If requested, complete copies of insurance policies shall be provided to the City Engineer. The applicant shall be financially responsible for all pertinent deductibles, self-insured retentions, and/or self-insurance. (Ord. 4987, 2015).

13.04.100 Monitoring of building Sewers.

New and existing building sewers may be periodically monitored by the city for leaks or discharges of extraneous water.

This monitoring may take the form of, but is not limited to: direct visual observations; indirect measurements; television inspection; or air or water pressure tests, smoke tests, or exfiltration tests.

If, in the opinion of the City Engineer, such monitoring shows a building sewer to be defective, no further proof is needed for the City Engineer to require the building sewer be repaired to current standards at the owner's expense.

Existing building sewers that exceed a maximum allowable infiltration/inflow rate of more than 300 gallons per day per single detached living unit; 1,200 gallons per acre per day; or 3,000 gallons per day per inch-diameter miles of sewer are deemed unsafe and unsanitary and shall be repaired at the owner's expense.

Those sewer users who do not comply with the infiltration/inflow regulations shall have a period of time as determined by the City Engineer, to reach compliance with the regulations. (Ord. 4987, 2015).