

ORDINANCE NO. 5150

AN ORDINANCE AMENDING McMinnville Municipal Code Title 13 (Public Utilities) to make changes to the local limits and defective private sewer lateral program.

RECITALS:

WHEREAS, the City of McMinnville's ("City") Pretreatment Program which included local limits was approved by the Oregon Department of Environmental Quality (DEQ) on October 25, 1992; and

WHEREAS, changes were made to Title 13 of the McMinnville Municipal Code (MMC) in 2015 to clarify the previous ordinance, update the local limits, and comply with DEQ directives, pursuant to Ordinance 4987; and

WHEREAS, the City was directed by DEQ to evaluate the local limits in 2022; and

WHEREAS, the updated local limits were approved by DEQ and the Environmental Protection Agency (EPA); and

WHEREAS, the City created a Defective Private Sewer Lateral (DPSL) program in June of 1997; and

WHEREAS, the City has not increased the penalty or rebate amounts since 1997 while constructions costs have risen over 200%; and

WHEREAS, City staff recognizes property owners are having difficulty finding contractors to make the improvements within program time periods; and

WHEREAS, City staff now recommends these amendments to the municipal code.

NOW THEREFORE, THE COMMON COUNCIL OF THE CITY OF McMinnville ORDAINS AS FOLLOWS:

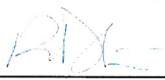
1. McMinnville Municipal Code Chapters 13.04, 13.05, 13.07, and 13.08 are amended as shown in **Exhibit 1-4**: [underlined language is new, strikethrough language is to be repealed].
2. This Ordinance will take effect 30 days after passage by the City Council.

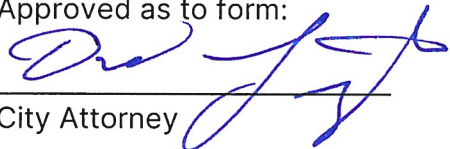
Passed by the Common Council of the City of McMinnville this 12th day of November, 2024 by the following votes:

Ayes: Payne, Peralta, Menke, Garvin, Geary, Chenoweth

Nays: _____

Abstain: _____


MAYOR

Approved as to form:

City Attorney

Attest:
Claudia Cisneros
City Recorder

- EXHIBIT:
1. Exhibit 1 - Chapter 13.04 Clean version and Redline version.
 2. Exhibit 2 - Chapter 13.05 Clean version and Redline version
 3. Exhibit 3 - Chapter 13.07 Clean version and Redline version
 4. Exhibit 4 - Chapter 13.08 Clean version and Redline version

Chapter 13.04

SANITARY SEWERS – GENERAL REGULATIONS*

Sections:

- 13.04.010 Sanitary Sewer System – City’s Declaration of Intent to Acquire.
- 13.04.020 Intent and Purpose.
- 13.04.030 Objectives.
- 13.04.040 Definitions.
- 13.04.050 Abbreviations.
- 13.04.060 General Organization and Operation.
- 13.04.070 Use of Public Sewers Required.
- 13.04.080 Private Wastewater Disposal.
- 13.04.090 Building Sewers and Connections.
- 13.04.100 Monitoring of building Sewers.

* 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.

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.

-
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
-

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.

-
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).

Chapter 13.04 SANITARY SEWERS – GENERAL REGULATIONS*

Sections:

- 13.04.010 Sanitary Sewer System – City’s Declaration of Intent to Acquire.
- 13.04.020 Intent and Purpose.
- 13.04.030 Objectives.
- 13.04.040 Definitions.
- 13.04.050 Abbreviations.
- 13.04.060 General Organization and Operation.
- 13.04.070 Use of Public Sewers Required.
- 13.04.080 Private Wastewater Disposal.
- 13.04.090 Building Sewers and Connections.
- 13.04.100 Monitoring of building Sewers.

* 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 ~~150~~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](#).

Formatted: Font: Bold, Underline, Font color: Red

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 ~~community development~~ **Public Works** Director or ~~his or her~~ their duly authorized representative or agent.

Formatted: Font color: Red

Formatted: Font: Bold, Underline

Formatted: Font color: Red, Strikethrough

- 27. “Discharge” means the deposit of pollutants into the city sewerage system.
- 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 ~~an~~ 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 ~~State~~ 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 ~~State~~ 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.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

Formatted: Font color: Red, Strikethrough

Formatted: Strikethrough

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 ~~90~~ **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.

Formatted: Font color: Red
Formatted: Font: Bold, Underline

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 storm-water that enters the sanitary sewer system through downspouts that are connected to sewer lines direct connections.**

Formatted: Font color: Red
Formatted: Font color: Red
Formatted: Font color: Red

~~49-50.~~ “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.

Formatted: Font color: Red
Formatted: Font color: Red, Strikethrough
Formatted: Font color: Red

~~50-51.~~ “Institution” means any building or group of buildings used as a correction facility, schools, care facilities, hospitals and similar; publicly or privately owned.

Formatted: Font color: Red, Strikethrough
Formatted: Font color: Red

~~51-52.~~ “Institutional building” means and includes a building used wholly or in part by an institution.

Formatted: Font color: Red, Strikethrough

~~52-53.~~ “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

Formatted: Font color: Red
Formatted: Font color: Red, Strikethrough
Formatted: Font color: Red

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.

~~53-54.~~ “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.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~54-55.~~ “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.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~55-56.~~ “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.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~56-57.~~ “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 [\(b\)](#).

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~57-58.~~ “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.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~58-59.~~ “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.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~59-60.~~ “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.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~60-61.~~ “Mobile waste hauler permit” means a permit issued pursuant to Chapters [13.04](#) through [13.12](#) MMC.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~61-62.~~ “Month” as used in Chapters [13.04](#) through [13.12](#) MMC refers to billing cycle or month as determined by McMinnville [W](#)ater and [L](#)ight.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~62-63.~~ “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.

Formatted: Font: Bold, Underline

Formatted: Font: Bold, Underline

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~63,64.~~ “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.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~64,65.~~ “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.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~65,66.~~ “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.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~66,67.~~ “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.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~67,68.~~ “National Pollutant Discharge Elimination System (NPDES) permit” means a permit issued pursuant to ORS [468B.050](#) and the Act.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~68,69.~~ “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](#).

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~69,70.~~ “National prohibitive discharge standards or prohibitive discharge standard” means prohibited discharges under the authority of [40 CFR 403.5](#).

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~70,71.~~ “Natural outlet” means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~71,72.~~ “New source” means:

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

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 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.

~~72-73.~~ “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.

Formatted: Font color: Red, Strikethrough
Formatted: Font color: Red

~~73-74.~~ “Operation and maintenance” means activities required to assure the dependable and economical function of treatment works.

Formatted: Font color: Red, Strikethrough
Formatted: Font color: Red

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.

Formatted: Font color: Red, Strikethrough
Formatted: Font color: Red
Formatted: Font color: Red
Formatted: Font color: Red, Strikethrough

~~74-75.~~ ~~“OSPSC”~~“OPSC” means the current edition of the Oregon ~~State~~ Plumbing Specialty Code, as adopted by the Oregon Department of Consumer and Business Services, Building Codes Division.

Formatted: Font color: Red
Formatted: Font color: Red, Strikethrough
Formatted: Strikethrough

~~75-76.~~ “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

Formatted: Font color: Red, Strikethrough
Formatted: Font color: Red

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).

~~76-77.~~ “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.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~77-78.~~ “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.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~78-79.~~ “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.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~79-80.~~ “pH” means a measure of the acidity or alkalinity of a solution, expressed in standard units (SU).

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~80-81.~~ “Plant manager” means the person designated by the city to supervise the operation of the POTW, or a duly authorized representative thereof.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~81-82.~~ “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).

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~82-83.~~ “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.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~83-84.~~ “Pollution prevention” means source reduction and other practices that reduce or eliminate the creation of pollutants through:

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

- a. Increased efficiency in the use of raw materials, energy, water, or other resources;
- b. Protection of natural resources by conservation;
- c. Education outreach.

~~84-85.~~ “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.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~85-86.~~ “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.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~86,87.~~ “Pretreatment requirement” means any substantive or procedural requirement related to pretreatment imposed on an Industrial User, other than a pretreatment standard.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~87,88.~~ “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.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~88,89.~~ “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.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~89,90.~~ “Public sewer” means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~90,91.~~ “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.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~91,92.~~ “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.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~92,93.~~ “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.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~93,94.~~ “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.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~94,95.~~ “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.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~95,96.~~ “Sanitary sewer” means a conduit intended to carry liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, ~~together with minor quantities of ground, storm and surface waters that are not admitted intentionally.~~

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

Formatted: Font color: Red

~~96,97.~~ “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.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~97,98.~~ “Settleable solids” means those solids that are capable of being settled in a standard Imhoff cone as outlined in “Standard Methods.”

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~98,99.~~ “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.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~99,100.~~ “Sewer main” means any public sewer except for laterals.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~100,101.~~ “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.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~101,102.~~ “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.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~102,103.~~ “Shall” is mandatory; “May” is permissive.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

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

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

- 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.

~~104,105.~~ “Single-family dwelling” or “single-family residence” means any residential building designed for occupancy by only one family.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~105.106.~~ “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.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~106.107.~~ “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.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~107.108.~~ “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.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~108.109.~~ “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.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~109.110.~~ “Storm sewer” means a sewer which carries storm and surface waters and drainage, but excludes wastewater.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~110.111.~~ “Stormwater” means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~111.112.~~ “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.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~112.113.~~ “Total Phosphorus” (TP) means the concentration of total phosphorus as determined in accordance with [40 CFR Part 136](#), or as EPA otherwise determines.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~113.114.~~ “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.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~114.115.~~ “Toxic pollutants” means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~115.116.~~ “Treatment plant” means that portion of the POTW which is designed to provide treatment of residential sewage and industrial waste.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~116.117.~~ “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.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~117,118.~~ “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.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~118,119.~~ “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.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~119,120.~~ “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.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~120,121.~~ “Watercourse” means a channel in which a flow of water occurs, either continuously or intermittently.

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

~~121,122.~~ “Water user” means any person using water through the facilities of the municipal water system. (Ord. 4987, 2015).

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

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);
- ~~BC~~. BMP – Best Management Practice
- ~~CD~~. CFR – Code of Federal Regulations;
- E. ~~CIPP~~ – Cured In Place Pipe
- ~~DF~~. CIU – Categorical Industrial User;
- ~~EG~~. COD – Chemical oxygen demand;
- ~~FH~~. DEQ – Oregon department of Environmental Quality;
- ~~GI~~. EDU – Equivalent Dwelling unit
- ~~HJ~~. EPA – U.S. Environmental Protection Agency;

~~HK~~. GPD – Gallons per day

~~L~~. HDPE – High-Density Polyethylene pipe

~~JM~~. 1 – Liter;

~~KN~~. mg – Milligram;

~~LO~~. mg/l – Milligram per liter;

~~MP~~. NAICS – North American Industry Classification System or SIC – Standard Industrial Classification;

~~NQ~~. NH3 – Ammonia Nitrogen;

~~OR~~. NPDES – National Pollutant Discharge Elimination System;

~~PS~~, ~~ORS – Oregon Revised Statutes~~, ~~OPSC – Oregon Plumbing Specialty Code~~;

~~QT~~, ~~OSPSC – Oregon State Plumbing Specialty Code~~, ~~ORS – Oregon Revised Statutes~~;

~~RU~~. POTW – Publicly Owned Treatment Works;

~~V~~. PVC – Polyvinyl Chloride pipe

~~SW~~. RCRA – Resource Conservation and Recovery Act;

~~TX~~. SNC – Significant Noncompliance;

~~UY~~. SWDA – Solid Waste Disposal Act, [42 USC, 6901](#), et seq;

~~VZ~~. TP – Total Phosphorus;

~~WAA~~. TSS – Total Suspended Solids;

~~XAB~~. USC – United States Code. (Ord. 4987, 2015).

- Formatted: Font color: Red
- Formatted: Font color: Red
- Formatted: Font color: Red, Strikethrough
- Formatted: Font color: Red, Strikethrough
- Formatted: Font color: Red, Not Highlight
- Formatted: Font color: Red
- Formatted: Font color: Red
- Formatted: Font color: Red, Strikethrough
- Formatted: Font color: Red, Strikethrough
- Formatted: Font color: Red
- Formatted: Font color: Red

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 ~~he or she~~ 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, ~~and~~ any human or animal excretion, garbage, or other objectionable waste material which creates an offensive odor or health hazard and/or attracts vermin.

- Formatted: Font color: Red, Strikethrough
- Formatted: Font: Bold, Underline, Font color: Red
- Formatted: Font color: Red

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 ~~150~~ 300 feet of the property line ~~or~~ as specified in OAR 340-071-0160 (4)(A). (Ord. 4987, 2015).

- Formatted: Font color: Red, Strikethrough
- Formatted: Font color: Red
- Formatted: Font: Bold, Underline, Font color: Red
- Formatted: Font color: Red

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 ~~Director~~City Engineer.

B. The owner of the sewer or ~~his or her~~ **their** agent shall make application for the permit to the ~~Director~~City Engineer. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the ~~Director~~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 ~~by~~ **be** occasioned by the installation.

D. A single separate sewer connection shall be provided for every ~~building (or portion of the building in separate ownership) and/or ownership parcel. Each parcel will be provided one lateral connection unless approved otherwise by the City Engineer. 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

Formatted: Font color: Red, Strikethrough
Formatted: Font color: Red, Strikethrough
Formatted: Font color: Red

Formatted: Font color: Red, Strikethrough
Formatted: Font color: Red
Formatted: Font: Bold, Underline

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 ~~State~~ Plumbing Specialty Code. Joints shall be tight and waterproof. Special protection may be required by the ~~Director-City Engineer~~ where the sewer is exposed to damage by tree roots, shallow cover, or footings.

Formatted: Font color: Red, Strikethrough

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

Formatted: Font color: Red, Strikethrough

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 ~~Director-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 ~~Director-City Engineer~~ when the sewer is ready for inspection. The connection shall be made under the supervision of the ~~Director-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 ~~Director-City Engineer~~.

~~N. The applicant shall maintain in force at its own expense each insurance located below:~~

~~1. General Liability insurance, on an occurrence basis, with a combined single limit of not less than \$500,000. It shall include coverage for premises operations, explosion, and collapse hazard, underground hazard, products, completed operations, and independent contractors.~~

~~2. Automobile Liability insurance with a combined single limit, or equivalent, of not less than \$500,000 for each accident for bodily injury and property damage, including coverage for owned, hired or non-owned vehicles.~~

~~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. The Director may, depending on the specific work to be performed, require more or less insurance coverage than outlined above.~~

As evidence of insurance coverage required by this section, the applicant shall furnish acceptable insurance certificates to the ~~Director~~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 ~~Director~~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 ~~Director~~City Engineer, such monitoring shows a building sewer to be defective, no further proof is needed for the ~~Director~~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 ~~Director~~City Engineer, to reach compliance with the regulations. (Ord. 4987, 2015).

Chapter 13.05

SANITARY SEWERS – INDUSTRIAL PRETREATMENT REGULATIONS

Sections:

Prohibitions

- 13.05.010 General Discharge Prohibitions.**
- 13.05.020 National Categorical Pretreatment Standards.**
- 13.05.030 State Pretreatment Requirements.**
- 13.05.040 Local Limits.**
- 13.05.050 City’s Right of Revision.**
- 13.05.060 Dilution.**
- 13.05.070 Disposal of Oil and Grease.**

Pretreatment of Wastewater

- 13.05.100 Pretreatment Facilities.**
- 13.05.110 Additional Pretreatment Measures.**
- 13.05.120 Accidental Discharge / Slug Discharge Control plans.**
- 13.05.130 Mobile Waste Hauler Permits.**

Industrial Wastewater Discharge Permits

- 13.05.200 Industrial User Survey.**
- 13.05.205 Wastewater Analysis.**
- 13.05.210 Individual and General Wastewater Discharge Permit Requirement.**
- 13.05.220 Individual and General Wastewater Discharge Permitting: Existing
Connections.**
- 13.05.230 Individual and General Wastewater Discharge Permitting: New
Connections.**
- 13.05.240 Individual and General Wastewater Discharge Permit Application
Contents.**
- 13.05.250 Wastewater Discharge Permitting – General Permit.**
- 13.05.260 Application Signatories and Certifications.**
- 13.05.270 Individual and General Wastewater Discharge Permit Decisions.**

Individual and General Wastewater Discharge Permit Issuance

- 13.05.300 Individual and General Wastewater Discharge Permit Duration.**
- 13.05.310 Individual and General Wastewater Discharge Permit Contents.**
- 13.05.320 Permit Issuance Process.**
- 13.05.330 Permit Modification.**
- 13.05.340 Individual and General Wastewater Discharge Permit Transfer.**
- 13.05.350 Individual and General Wastewater Discharge Permit Revocation.**
- 13.05.360 Individual and General Wastewater Discharge Permit Reissuance.**
- 13.05.370 Regulation of Waste Received from Other Jurisdictions.**

Reporting Requirements

- 13.05.400 Baseline Monitoring Reports.**
- 13.05.410 Compliance Schedule Progress Reports.**
- 13.05.420 Reports on Compliance with Categorical Pretreatment Standard
Deadline.**
- 13.05.430 Periodic Compliance Reports.**
- 13.05.440 Reports of Changed Conditions.**
- 13.05.450 Reports of Potential Problems.**
- 13.05.460 Reports from Unpermitted Industrial Users.**
- 13.05.470 Notice of Violation / Repeat Sampling and Reporting.**
- 13.05.480 Notification of the Discharge of Hazardous Waste.**
- 13.05.490 Analytical Requirements.**
- 13.05.491 Sample Collection.**
- 13.05.492 Date of Receipt of Reports.**
- 13.05.493 Recordkeeping.**
- 13.05.494 Certification Statements.**

Compliance Monitoring

- 13.05.500 Right of Entry: Inspection and Sampling.**
- 13.05.510 Search Warrants.**

Confidential Information

- 13.05.600 Confidential Information.**

Publication of Industrial Users in Significant Noncompliance

13.05.700 Significant Noncompliance.

Administrative Enforcement Remedies

13.05.800 Notification of Violation.

13.05.810 Consent Orders.

13.05.820 Show Cause Hearing.

13.05.830 Compliance Orders.

13.05.840 Cease and Desist Orders.

13.05.850 Administrative Fines.

13.05.860 Emergency Suspensions.

13.05.870 Termination of Discharge.

Judicial Enforcement Remedies

13.05.900 Injunctive Relief.

13.05.910 Civil Penalties.

13.05.920 Criminal Prosecution.

13.05.930 Remedies Nonexclusive.

Supplemental Enforcement Action

13.05.1030 Payment of Outstanding Fees and Penalties.

Affirmative Defenses to Discharge Violations

13.05.2000 Upset.

13.05.2010 Prohibited Discharge Standards.

13.05.2020 Bypass.

Miscellaneous Provisions

13.05.3010 Severability.

13.05.3020 Water Supply Severance.

Prohibitions

13.05.010 General Discharge Prohibitions.

A. *General Prohibitions.* No sewer user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all sewer users of the POTW whether or not they are subject to Categorical Pretreatment Standards or any other national, state, or local pretreatment standards or requirements.

B. *Specific Prohibitions.* No sewer user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in [40 CFR 261.21](#);
2. Wastewater having a pH less than 6.0 or more than 11.0 SU, or otherwise causing corrosive structural damage to the POTW or equipment;
3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than 1/2 inch in any dimension;
4. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
5. Wastewater having a temperature greater than 140 degrees F (60 degrees C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

8. Trucked or hauled pollutants, except at discharge points designated by the Director in accordance with MMC [13.05.130](#);
9. Noxious or malodorous liquids, aldehydes, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
10. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the city's NPDES permit;
11. Wastewater containing any radioactive wastes or isotopes except in compliance with the current "Oregon Regulations for the Control of Radiation" (OAR [333-120-0520](#));
12. Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Director;
13. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
14. Medical wastes, except as specifically authorized by the Director in a city control mechanism;
15. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
16. Detergents, surface-active agents, or other substances which might cause excessive foaming in the POTW;
17. Fats, oils, or greases of animal or vegetable origin in amounts that will cause interference or pass through;
18. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 10 percent of the Lower Explosive Limit or any single reading over 20 percent of the Lower Explosive Limit of the meter.

C. The Director may develop Best Management Practices (BMPs), by ordinance or in industrial wastewater discharge permits or general permits to implement the requirements of MMC [13.05.010](#).

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. (Ord. 4987, 2015).

13.05.020 National Categorical Pretreatment Standards.

Categorical Industrial Users (CIU) must comply with the Categorical Pretreatment Standards found at [40](#) CFR Chapter I, Subchapter N, Parts 405-471.

A. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with subsection [E](#) and [E](#) of this section.

B. When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Director may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.

C. When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Director shall impose an alternate limit in accordance with [40](#) CFR [403.6\(e\)](#).

D. When a Categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the city convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Director. The city may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in subsections [\(D\)\(1\)\(a\)](#) through [\(D\)\(1\)\(e\)](#) of this section.

1. To be eligible for equivalent mass limits, the Industrial User must:
 - a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its industrial wastewater discharge permit;

-
- b. Currently use control and treatment technologies adequate to achieve compliance with the applicable Categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
 - c. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
 - d. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and
 - e. Have consistently complied with all applicable Categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.
 2. An Industrial User subject to equivalent mass limits must:
 - a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
 - b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
 - c. Continue to record the facility's production rates and notify the Director whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in subsection [\(D\)\(1\)\(c\)](#) of this section. Upon notification of a revised production rate, the Director will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
 - d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to subsection [\(D\)\(1\)\(a\)](#) of this section so long as it discharges under an equivalent mass limit.
 3. When developing equivalent mass limits, the Director:
 - a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based
-

daily maximum and monthly average standard for the applicable Categorical Pretreatment Standard and the appropriate unit conversion factor;

b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

c. May retain the same equivalent mass limit in subsequent industrial wastewater discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to MMC [13.05.060](#). The Industrial User must also be in compliance with MMC [13.05.2020](#) regarding the prohibition of bypass.

E. The Director may convert the mass limits of the Categorical Pretreatment Standards of [40](#) CFR Parts [414](#), [419](#), and [455](#) to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Director.

F. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this section in lieu of the promulgated Categorical Standards from which the equivalent limitations were derived.

G. Many Categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

H. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Director within two business days after the Industrial User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any Industrial User not notifying the Director of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long-term average production rate. (Ord. 4987, 2015).

13.05.030 State Pretreatment Requirements.

Industrial Users must comply with applicable state pretreatment standards and requirements set out in Oregon Administrative Rules (OAR) Chapter 340, Division 45, Section 0063 and incorporated herein. (Ord. 4987, 2015).

13.05.040 Local Limits.

A. The Director is authorized to establish Local Limits pursuant to [40 CFR 403.5\(c\)](#), and may modify and publish revisions from time to time appropriately. No Significant Industrial User (SIU) shall discharge wastewater containing pollutants in excess of the established Local Limits.

B. The Local Limits apply at the point where the wastewater is discharged to the POTW or where industrial process water enters a separate sampling vault and is the designated sample point for the SIU and the city. (Ord. 4987, 2015).

13.05.050 City's Right of Revision.

The city reserves the right to establish, by ordinance or in industrial wastewater discharge permits or in general permits, more stringent standards or requirements on discharges to the POTW consistent with the purpose of this ordinance. (Ord. 4987, 2015).

13.05.060 Dilution.

No Industrial User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Director may impose mass limitations on Industrial Users who are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate. (Ord. 4987, 2015).

13.05.070 Disposal of Oil and Grease.

A. All new restaurants and Industrial Users employing a fats, oils and/or grease process shall install an approved oil/grease trap or interceptor before discharging to the POTW. In the case of other uses including preexisting restaurants and Industrial Users, grease, oil, and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for:

1. The proper handling of liquid wastes containing oil or grease in excessive amounts as to cause plugging or maintenance problems within the collection system;
2. Any flammable wastes; and
3. Other harmful pollutants.

B. Such interceptors shall be so located as to be readily and easily accessible for cleaning, inspection and sampling, and shall be approved by the Director prior to installation.

C. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures. They shall be of substantial construction, watertight, and equipped with easily removable cover which, when bolted in place, shall be gastight and watertight.

D. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his or her expense to provide continuously efficient operation through periodic removal of accumulated grease, scum, oil or other floating substances and solids deposited in the interceptor. All cleaning residues shall be satisfactorily disposed of in an approved, environmentally acceptable manner. Authorized city employees shall be allowed access to grease traps and interceptors for the purpose of inspection and/or to verify compliance with this section. Fat waste, oil or grease removed from such a facility shall not be disposed of in the sanitary or storm sewer. A record of disposal shall be submitted to the city of McMinnville for review within 15 business days.

E. The use of hot water, enzymes, bacteria, chemicals or other agents or devices for the purpose of causing the contents of a pretreatment device to be discharged into the sanitary system, or to avoid the installation of a pretreatment device is prohibited. (Ord. 4987, 2015).

Pretreatment of Wastewater

13.05.100 Pretreatment Facilities.

Industrial Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all Categorical Pretreatment Standards, Local Limits, and the prohibitions set out in MMC [13.05.010](#) within the time limitations specified by EPA, the state, or the Director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the Industrial User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Director for review, and shall be acceptable to the Director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the Industrial User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the city under the provisions of this ordinance. (Ord. 4987, 2015).

13.05.110 Additional Pretreatment Measures.

- A. Whenever deemed necessary, the Director may require Industrial Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the Industrial User's compliance with the requirements of this ordinance.
- B. The Director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An industrial wastewater discharge permit may be issued solely for flow equalization.
- C. The Director may require any person discharging into the POTW to install and maintain, on their property and at their expense grease, oil, and sand interceptors when, in the opinion of the Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Director,

and shall be so located to be easily accessible for cleaning, sampling and inspection. Such interceptors shall be inspected, cleaned, and repaired by the user at their expense.

D. In the event the city, during maintenance of public sewer lines, record situations of grease accumulation in lines sufficient to restrict the normal flow of waste, upstream users shall be inspected. If the Director determines that an upstream user is responsible for the grease or oil discharge, the user will be required to cease discharge of the prohibited waste. Additionally, the user may be required to install an interceptor, maintain the interceptor, and may be charged for the cost

of cleaning the line. When an obstruction of the public line occurs, a violation of [40 CFR 403.5\(b\)\(3\)](#) or [\(6\)](#) and MMC [13.05.010\(B\)](#), Specific Prohibitions, has occurred.

E. Industrial Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter. (Ord. 4987, 2015).

13.05.120 Accidental Discharge / Slug Discharge Control plans.

The Director shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges.

The Director may require any Industrial User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including not routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the Director of any accidental or slug discharge, as required by MMC [13.05.450](#); and
- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for

containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response. (Ord. 4987, 2015).

13.05.130 Mobile Waste Hauler Permits.

Mobile waste haulers may discharge loads only at locations designated by the Director. The Director may collect samples of each hauled load to ensure compliance with applicable standards. The Director may require the mobile waste hauler to provide a waste analysis of any load prior to discharge.

A. *Permit Required.* Any person proposing to be a mobile waste hauler and any person the Director has determined is likely to be a mobile waste hauler shall secure a mobile waste hauler discharge permit from the city. Any discharge by a mobile waste hauler without a permit is a violation of this chapter. Such waste shall not violate MMC [13.05.010](#) or any other requirements established by the city.

B. *Application.* Any new mobile waste hauler shall apply for a mobile waste hauler permit at least 30 days prior to its initial discharge. Applications shall be made to the Director in writing on forms provided by the city and shall include the following information.

1. Name, address, telephone number and authorized representative of the applicant;
2. NAICS or SIC number and other state or federal license numbers;
3. A list of environmental control permits held by or for the applicant;
4. A description of spill prevention measures or plans which are currently in place for use during storage or discharge of wastewater;
5. A description of activities and methods of collection, transportation, storage and discharge of wastewater, a description of transportation and storage facilities, and a general description of types and quantities of all materials which are or could be discharged; and
6. Proof of adequate general liability and property damage insurance.

C. The Director shall evaluate the data furnished by the applicant and may determine that additional information or sampling of wastewater characteristics is necessary. If such a determination is made, the applicant, unless the time period is extended, will be given 30 days to provide the required information or sampling. If it is not provided within the designated time period, the application shall be denied. After determining that the submitted application contains all the information required by this subsection, the Director shall consider the submission, any additional evidence that may have been requested, and any other available information relevant to the application. If the Director determines that the proposed discharge meets the requirements of this chapter and the additional septage does not otherwise overload or cause damage to any portion of the POTW; or will not create an imminent or potential hazard to personnel, the Director shall, within 30 days after determining that the application is complete, issue a mobile waste hauler discharge permit subject to appropriate conditions.

D. *Modification of Permit.* Conditions included in a mobile waste hauler discharge permit shall remain in effect for that permit until it expires, except that they may be revised by the Director whenever the Director deems a revision is necessary in order to effectively implement the pretreatment program, as required by city, state or federal standards, to effectuate the objectives of Chapters [13.04](#) through [13.12](#) MMC and the policy of the city to cooperate with the state and federal government, or to meet any emergency. The permit holder shall be informed of any proposed change in its permit at least 30 days prior to the effective date of the change except in the event of an emergency.

E. *Duration.* Permits shall be issued for a specified time period, not to exceed three years. The permit holder shall apply for permit reissuance a minimum of 90 days prior to the expiration of its existing permit if it desires to continue to discharge. An expired permit will continue to be in effect until the city takes final action on the renewal application to issue or deny the permit if:

1. The permit holder has submitted a complete permit application at least 90 days prior to the expiration of its permit; and
2. The failure to take final action is not due to any act or failure to act on the part of the permit holder.

F. *Conditions.* Mobile waste hauler discharge permits shall be expressly subject to all provisions of Chapters [13.04](#) through [13.12](#) MMC. Mobile waste hauler permits shall contain the following conditions:

1. Payment of applicable fees;
2. Limits on the average and maximum discharge of restricted substances;
3. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
4. Compliance schedules;
5. Requirements for submission of technical reports or discharge reports;
6. 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 any restricted substances being discharged;
7. Requirements for insurance coverage for all activities subject to the provisions of this chapter;
8. Requirements that the permit holder retain a copy of a valid mobile waste hauler discharge permit in each vehicle used for transportation of wastewater, and present that permit to any employee of the city authorized to inspect the mobile waste hauler discharge permit;
9. Requirements that the permit holder present a manifest of origin of all wastewater proposed for discharge;
10. Requirements that the permit holder discharge only at the designated discharge point and at designated times;
11. Requirements that the permit holder remove or otherwise clean up all spilled material or waste after discharge and that the permit holder agree to pay any public agency which provides assistance in such clean up or which performs such clean up after a failure by the permit holder to comply, an amount representing twice the amount of the actual expenditures of the public agency for labor and materials necessary to clean any spilled waste;
12. Requirements that the permit holder apply in writing on approved forms for permission to discharge any wastewater containing any restricted substances or wastewater containing any substances other than residential or septage waste; and

13. Other conditions as deemed appropriate by the Director to achieve compliance with Chapters [13.04](#) through [13.12](#) MMC.

G. *Transfer.* A mobile waste hauler discharge permit shall be issued to a specific mobile waste hauler for a specific operation. A mobile waste hauler discharge permit shall not be assigned, transferred or sold without the approval of the Director. Any successor mobile waste hauler shall agree to comply with the terms and conditions of the existing permit as a condition precedent to the approval by the Director of a transfer, sale or assignment of the permit.

H. *Analysis and Reporting Requirements.* Permit holders shall be required to submit information, certifications, compliance schedules and samples of discharges or perform such tests and report such test results to the Director as follow:

1. When requested by state or local public agencies; or
2. When deemed necessary by the Director for the proper treatment, analysis or control of discharges.

All such tests and reports shall be at the cost of the permit holder. To the degree practicable, the Director shall 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. (Ord. 4987, 2015).

Industrial Wastewater Discharge Permits

13.05.200 Industrial User Survey.

When requested by the Director, all Industrial Users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The Director is authorized to prepare a form for this purpose and may periodically require Industrial Users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the Industrial User and shall be considered a violation of this chapter. (Ord. 4987, 2015).

13.05.205 Wastewater Analysis.

When requested by the Director, an Industrial User must submit information on the nature and characteristics of its wastewater within 90 days of the request. The Director is authorized to prepare a form for this purpose and may periodically require Industrial Users to update this information. (Ord. 4987, 2015).

13.05.210 Individual and General Wastewater Discharge Permit Requirement.

- A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an industrial wastewater discharge permit from the Director, except that a Significant Industrial User that has filed a timely application pursuant to MMC [13.05.220](#) may continue to discharge for the time period specified therein.
- B. Significant Industrial Users classified as a Categorical Industrial User that does not discharge wastewater into the sanitary sewer are required to obtain a nondischarge Categorical Industrial User control mechanism.
- C. The Director may require other Industrial Users to obtain industrial wastewater discharge permits as necessary to carry out the purposes of this ordinance.
- D. Any violation of the terms and conditions of an industrial wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections [13.05.800](#) through [13.05.2020](#). Obtaining an industrial wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law. (Ord. 4987, 2015).

13.05.220 Individual and General Wastewater Discharge Permitting: Existing Connections.

Any Industrial User required to obtain an industrial wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within 60 days after said date, apply to the Director for an industrial wastewater discharge permit in accordance with MMC [13.05.240](#), and shall not cause or allow discharges to the POTW to continue after 90 days of the effective date of this ordinance except in accordance with an industrial wastewater discharge permit issued by the Director. (Ord. 4987, 2015).

13.05.230 Individual and General Wastewater Discharge Permitting: New Connections.

Any Industrial User required to obtain an industrial wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this industrial wastewater discharge permit in accordance with MMC [13.05.240](#) must be filed at least 90 days prior to the date upon which any discharge will begin or recommence. (Ord. 4987, 2015).

13.05.240 Individual and General Wastewater Discharge Permit Application Contents.

A. All Industrial Users required to obtain an industrial wastewater discharge permit must submit a permit application. Users that are eligible may request a general permit under MMC [13.05.250](#). The Director may require Industrial Users to submit all or some of the following information as part of a permit application:

1. Identifying information.
 - a. The name and address of the facility, including the name of the operator and owner.

-
- b. Contact information, description of activities, facilities, and plant production processes on the premises;
 2. *Environmental permits.* A list of any environmental control permits held by or for the facility.
 3. Description of operations.
 - a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and NAICS or SIC codes of the operation(s) carried out by such Industrial User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
 - b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
 - c. Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - d. Type and amount of raw materials processed (average and maximum per day);
 - e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
 4. Time and duration of discharges.
 5. The location for monitoring all wastes covered by the permit.
 6. *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in MMC [13.05.020\(C\)](#) in accordance with [40 CFR 403.6\(e\)](#).
 7. Measurement of pollutants.
 - a. The Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for existing sources.
-

-
- b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Director, of regulated pollutants in the discharge from each regulated process.
 - c. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.
 - d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in MMC [13.05.490](#). Where the Standard requires compliance with a BMP or pollution prevention alternative, the Industrial User shall submit documentation as required by the Director or the applicable standards to determine compliance with the Standard.
 - e. Sampling must be performed in accordance with procedures set out in MMC [13.05.491](#).
8. Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on MMC [13.05.430\(B\)](#) in accordance with [40](#) CFR [403.12\(e\)\(2\)](#).
 9. Any request to be covered by a general permit based on MMC [13.05.250](#).
 10. Any other information as may be deemed necessary by the Director to evaluate the permit application.
- B. Incomplete or inaccurate applications will not be processed and will be returned to the Industrial User for revision. (Ord. 4987, 2015).

13.05.250 Wastewater Discharge Permitting – General Permit.

- A. At the discretion of the Director, the Director may use general permits to control Industrial User discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:
1. Involve the same or substantially similar types of operations;
 2. Discharge the same types of wastes;

3. Require the same effluent limitations;
4. Require the same or similar monitoring; and
5. In the opinion of the Director, are more appropriately controlled under a general permit than under industrial wastewater discharge permits.

B. To be covered by the general permit, the Industrial User must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with MMC [13.05.430\(B\)](#) for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the Director has provided written notice to the Industrial User that such a waiver request has been granted in accordance with MMC [13.05.430\(B\)](#).

C. The Director will retain a copy of the general permit, documentation to support the POTW's determination that a specific Industrial User meets the criteria in MMC [13.05.250\(A\)\(1\)](#) to [\(A\)\(5\)](#) and applicable state regulations, and a copy of the Industrial User's written request for coverage for three years after the expiration of the general permit.

D. The Director may not control an Industrial User through a general permit where the facility is subject to production-based Categorical Pretreatment Standards or Categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for Industrial Users whose limits are based on the combined wastestream formula (see MMC [13.05.020\(C\)](#)). (Ord. 4987, 2015).

13.05.260 Application Signatories and Certifications.

- A. All wastewater discharge permit applications, Industrial User reports and certification statements must be signed by an authorized representative of the Industrial User and contain the certification statement in MMC [13.05.494\(A\)](#).
- B. If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall

responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to the Director prior to or together with any reports to be signed by an authorized representative. (Ord. 4987, 2015).

13.05.270 Individual and General Wastewater Discharge Permit Decisions.

The Director will evaluate the data furnished by the Industrial User and may require additional information. Within 90 days of receipt of a complete permit application, the Director will determine whether to issue an industrial wastewater discharge permit. The Director may deny any application for an industrial wastewater discharge permit. (Ord. 4987, 2015).

Individual and General Wastewater Discharge Permit Issuance

13.05.300 Individual and General Wastewater Discharge Permit Duration.

An industrial wastewater discharge permit shall be issued for a specified time period, not to exceed five years from the effective date of the permit. An industrial wastewater discharge permit may be issued for a period less than five years, at the discretion of the Director. Each industrial wastewater discharge permit will indicate a specific date upon which it will expire. (Ord. 4987, 2015).

13.05.310 Individual and General Wastewater Discharge Permit Contents.

An industrial wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Director to prevent pass through or interference, protect the

quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate biosolids management and disposal, and protect against damage to the POTW.

A. Industrial wastewater discharge permits and general permits must contain:

1. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
2. A statement that the wastewater discharge permit is nontransferable without prior notification to the city in accordance with MMC [13.05.340](#), and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
3. Effluent limits, including Best Management Practices, based on applicable pretreatment standards;
4. *Self monitoring, sampling, reporting, notification, and record-keeping requirements.* These requirements shall include an identification of pollutants (or Best Management Practice) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;
5. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with MMC [13.05.430\(B\)](#);
6. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law;
7. Requirements to control slug discharge, if determined by the Director to be necessary; and
8. Any grant of the monitoring waiver by the Director (see MMC [13.05.430\(B\)](#)) must be included as a condition in the Industrial User's permit or other control mechanism.

B. Industrial wastewater discharge permits may contain, but need not be limited to, the following conditions:

1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or not routine discharges;
4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
5. The unit charge or schedule of Industrial User charges and fees for the management of the wastewater discharged to the POTW;
6. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
7. A statement that compliance with the industrial wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the industrial wastewater discharge permit; and
8. Other conditions as deemed appropriate by the Director to ensure compliance with this ordinance, and state and federal laws, rules, and regulations. (Ord. 4987, 2015).

13.05.320 Permit Issuance Process.

A. *Permit Appeals.* The Industrial User, may petition the Director to reconsider the terms of an industrial wastewater discharge permit within 10 days of its issuance.

1. Failure to submit a timely petition for reconsideration shall be deemed to be a waiver of the administrative appeal.
2. In its petition, the Industrial user must indicate the industrial wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the industrial wastewater discharge permit.

3. Reconsideration of the industrial wastewater discharge permit shall not be stayed pending the appeal.
4. If the Director fails to act within 10 days, a petition for reconsideration shall be deemed to be denied. Decisions not to reconsider an industrial wastewater discharge permit, not to issue an industrial wastewater discharge permit, or not to modify an industrial wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
5. Industrial Users seeking judicial review of the final administrative industrial wastewater discharge permit decision must do so by filing a complaint within 180 days in the Yamhill County Court for Yamhill County in accordance to Oregon Revised Statute (ORS) §12.070 (Judgments). (Ord. 4987, 2015).

13.05.330 Permit Modification.

A. The Director may modify an industrial wastewater discharge permit for good cause, including, but not limited to, the following reasons:

1. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
2. To address significant alterations or additions to the Industrial User's operation, processes, or wastewater volume or character since the time of the industrial wastewater discharge permit issuance;
3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
4. Information indicating that the permitted discharge poses a threat to the city's POTW, city personnel, or the receiving waters;
5. Violation of any terms or conditions of the industrial wastewater discharge permit;
6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

7. Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to [40 CFR 403.13](#);
8. To correct typographical or other errors in the industrial wastewater discharge permit;
or
9. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with MMC [13.05.340](#). (Ord. 4987, 2015).

13.05.340 Individual and General Wastewater Discharge Permit Transfer.

Industrial wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 60 days advance notice to the Director and the Director approves the industrial wastewater discharge permit transfer. The notice to the Director must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing industrial wastewater discharge permit.

Failure to provide advance notice of a transfer renders the industrial wastewater discharge permit void as of the date of facility transfer. (Ord. 4987, 2015).

13.05.350 Individual and General Wastewater Discharge Permit Revocation.

The Director may revoke an industrial wastewater discharge permit for good cause, including, but not limited to, the following reasons:

-
- A. Failure to notify the Director of significant changes to the wastewater prior to the changed discharge;
 - B. Failure to provide prior notification to the Director of changed conditions pursuant to MMC [13.05.440](#);
 - C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 - D. Falsifying self-monitoring reports and certification statements;
 - E. Tampering with monitoring equipment;
 - F. Refusing to allow the Director timely access to the facility premises and records;
 - G. Failure to meet effluent limitations;
 - H. Failure to pay fines;
 - I. Failure to pay sewer charges;
 - J. Failure to meet compliance schedules;
 - K. Failure to complete a wastewater survey or the wastewater discharge permit application;
 - L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
 - M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

Industrial wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All industrial wastewater discharge permits issued to an Industrial User are void upon the issuance of a new industrial wastewater discharge permit to that Industrial User. (Ord. 4987, 2015).

13.05.360 Individual and General Wastewater Discharge Permit Reissuance.

An Industrial User with an expiring industrial wastewater discharge permit shall apply for industrial wastewater discharge permit reissuance by submitting a complete permit application, in accordance with MMC [13.05.240](#), a minimum of 60 days prior to the expiration of the Industrial User's existing industrial or general wastewater discharge permit. (Ord. 4987, 2015).

13.05.370 Regulation of Waste Received from Other Jurisdictions.

A. If another municipality, or sewer user located within another municipality, contributes wastewater to the POTW, the Director shall enter into an intergovernmental agreement (IGA) with the contributing municipality.

B. Prior to entering into an agreement required by Paragraph A, above, the Director shall request the following information from the contributing municipality:

1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
2. An inventory of all sewer users located within the contributing municipality that are discharging to the POTW; and
3. Such other information as the Director may deem necessary.

C. An intergovernmental agreement, as required by Paragraph A, above, shall contain the following conditions:

1. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in MMC [13.05.040](#). The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the city's ordinance or Local Limits;
2. A requirement for the contributing municipality to submit a revised sewer user inventory on at least an annual basis;

3. A provision specifying which pretreatment implementation activities, including industrial wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Director; and which of these activities will be conducted jointly by the contributing municipality and the Director;
4. A requirement for the contributing municipality to provide the Director with access to all information that the contributing municipality obtains as part of its pretreatment activities;
5. Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
6. Requirements for monitoring the contributing municipality's discharge;
7. A provision ensuring the Director access to the facilities of sewer users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Director; and
8. A provision specifying remedies available for breach of the terms of the intergovernmental agreement. (Ord. 4987, 2015).

Reporting Requirements

13.05.400 Baseline Monitoring Reports.

A. Within either 180 days after the effective date of a Categorical Pretreatment Standard, or the final administrative decision on a category determination under [40 CFR 403.6\(a\)\(4\)](#), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Director a report which contains the information listed in Paragraph B, below. At least 90 days prior to commencement of their discharge, new sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical standard, shall submit to the Director a report which contains the information listed in Paragraph B, below. A new source shall report the method of

pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

B. Categorical Industrial Users (CIU) described above shall submit the information set forth below.

1. All information required in MMC [13.05.240\(A\)\(1\)](#) through [\(A\)\(6\)](#).
2. Measurement of pollutants.
 - a. The CIU shall provide the information required in MMC [13.05.240\(A\)\(7\)\(a\)](#) through [\(A\)\(7\)\(d\)](#).
 - b. The CIU shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this Paragraph.
 - c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the CIU should measure the flows and concentrations necessary to allow use of the combined wastestream formula in [40 CFR 403.6\(e\)](#) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with [40 CFR 403.6\(e\)](#), this adjusted limit along with supporting data shall be submitted to the Control Authority;
 - d. Sampling and analysis shall be performed in accordance with MMC [13.05.490](#);
 - e. The Director may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
 - f. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
3. *Compliance certification.* A statement, reviewed by the CIU's authorized representative as defined in MMC [13.04.040\(A\)\(3\)](#) and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional

operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

4. *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the CIU will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in MMC [13.05.410](#).

5. *Signature and report certification.* All baseline monitoring reports must be certified in accordance with MMC [13.05.494\(A\)](#) and signed by an authorized representative as defined in MMC [13.04.040\(A\)\(3\)](#). (Ord. 4987, 2015).

13.05.410 Compliance Schedule Progress Reports.

The following conditions shall apply to the compliance schedule required by MMC [13.05.400\(B\)\(4\)](#):

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Industrial User to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

B. No increment referred to above shall exceed nine months;

C. The Industrial User shall submit a progress report to the Director no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the Industrial User to return to the established schedule; and

D. In no event shall more than nine months elapse between such progress reports to the Director. (Ord. 4987, 2015).

13.05.420 Reports on Compliance with Categorical Pretreatment Standard Deadline.

Within 90 days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any Categorical Industrial User subject to such pretreatment standards and requirements shall submit to the Director a report containing the information described in MMC [13.05.240\(A\)\(6\)](#) and [\(A\)\(7\)](#) and [13.05.400\(B\)\(2\)](#). For Categorical Industrial Users subject to equivalent mass or concentration limits established in accordance with the procedures in MMC [13.05.020](#), this report shall contain a reasonable measure of the Categorical Industrial User's long-term production rate. For all other Industrial Users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the Industrial User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with MMC [13.05.494\(A\)](#). All sampling will be done in conformance with MMC [13.05.491](#). (Ord. 4987, 2015).

13.05.430 Periodic Compliance Reports.

A. Except as specified in MMC [13.05.430\(C\)](#), all Significant Industrial Users must, at a frequency determined by the Director, submit no less than twice per year (June and December [or on dates specified]) reports indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the Significant Industrial User must submit documentation required by the Director or the pretreatment standard necessary to determine the compliance status of the Significant Industrial User.

B. The city may authorize an Industrial User subject to a Categorical Pretreatment Standard to forego sampling of a pollutant regulated by a Categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities

of the Industrial User. [See [40 CFR 403.12\(e\)\(2\)](#)] This authorization is subject to the following conditions:

1. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.
2. The monitoring waiver is valid only for the duration of the effective period of the industrial wastewater discharge permit, but in no case longer than five years. The Industrial User must submit a new request for the waiver before the waiver can be granted for each subsequent industrial wastewater discharge permit. See MMC [13.05.240\(A\)\(8\)](#).
3. In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
4. The request for a monitoring waiver must be signed in accordance with MMC [13.05.040\(A\)\(3\)](#), and include the certification statement in MMC [13.05.494\(A\)](#) in accordance with [40 CFR 403.6\(a\)\(2\)\(ii\)](#).
5. Nondetectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from [40 CFR Part 136](#) with the lowest minimum detection level for that pollutant was used in the analysis.
6. Any grant of the monitoring waiver by the Director must be included as a condition in the Industrial User's permit. The reasons supporting the waiver and any information submitted by the Industrial User in its request for the waiver must be maintained by the Director for three years after expiration of the waiver.
7. Upon approval of the monitoring waiver and revision of the Industrial User's permit by the Director, the Industrial User must certify on each report with the statement in MMC [13.05.494\(B\)](#) below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.
8. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the Industrial User's operations, the Industrial User must immediately: comply with the monitoring requirements of subsection [A](#) of this section, or

other more frequent monitoring requirements imposed by the Director, and notify the Director.

9. This provision does not supersede certification processes and requirements established in Categorical Pretreatment Standards, except as otherwise specified in the Categorical Pretreatment Standard.

C. The city may reduce the requirement for periodic compliance reports MMC [13.05.340\(A\)](#) to a requirement to report no less frequently than once a year, unless required more frequently in the pretreatment standard or by the state, where the Industrial User's total categorical wastewater flow does not exceed any of the following:

1. POTW's value for 0.01 percent of the POTW's design dry-weather hydraulic capacity of the POTW, or 5,000 gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches.
2. POTW's value for 0.01 percent of the design dry-weather organic treatment capacity of the POTW; and
3. POTW's value for 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical pretreatment standard for which approved Local Limits were developed in accordance with MMC [13.05.040](#).

Reduced reporting is not available to Industrial Users that have in the last two years been in Significant Noncompliance, as defined in MMC [13.05.700](#). In addition, reduced reporting is not available to an Industrial User with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the Director, decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

D. All periodic compliance reports must be signed and certified in accordance with MMC [13.05.494\(A\)](#).

E. All wastewater samples must be representative of the Industrial User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an Industrial User to keep its monitoring facility in good working order shall not be grounds for the Industrial User to claim that sample results are unrepresentative of its discharge.

F. If an Industrial User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Director, using the procedures prescribed in MMC [13.05.491](#), the results of this monitoring shall be included in the report. (Ord. 4987, 2015).

13.05.440 Reports of Changed Conditions.

Each Industrial User must notify the Director of any significant changes to the Industrial User's operations or system which might alter the nature, quality, or volume of its wastewater including facility closure at least 30 days before the change.

A. The Director may require the Industrial User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under MMC [13.05.240](#).

B. The Director may issue an industrial wastewater discharge permit under MMC [13.05.360](#) or modify an existing wastewater discharge permit under MMC [13.05.330](#) in response to changed conditions or anticipated changed conditions. (Ord. 4987, 2015).

13.05.450 Reports of Potential Problems.

A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a not routine, episodic nature, a non-customary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the Industrial User shall immediately telephone and notify the Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the Industrial User.

B. Within five days following such discharge, the Industrial User shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the Industrial User to prevent similar future occurrences. Such notification shall not relieve the Industrial User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other

damage to person or property; nor shall such notification relieve the Industrial User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

C. A notice shall be permanently posted on the Industrial User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in subsection A of this section. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

D. Significant Industrial Users are required to notify the Director immediately of any changes at its facility affecting the potential for a slug discharge. (Ord. 4987, 2015).

13.05.460 Reports from Unpermitted Industrial Users.

All Industrial Users not required to obtain an industrial wastewater discharge permit shall provide appropriate reports to the Director as the Director may require. (Ord. 4987, 2015).

13.05.470 Notice of Violation / Repeat Sampling and Reporting.

If sampling performed by an Industrial User indicates a violation, the Industrial User must notify the Director within 24 hours of becoming aware of the violation. The Industrial User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within 30 days after becoming aware of the violation. Resampling by the Industrial User is not required if the city performs sampling at the Industrial User's facility at least once a month, or if the city performs sampling at the Industrial User between the time when the initial sampling was conducted and the time when the Industrial User or the city receives the results of this sampling, or if the city has performed the sampling and analysis in lieu of the Industrial User. (Ord. 4987, 2015).

13.05.480 Notification of the Discharge of Hazardous Waste.

A. Any Industrial User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste

authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under [40 CFR Part 261](#). Such notification must include the name of the hazardous waste as set forth in [40 CFR Part 261](#), the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the Industrial User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this Paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under MMC [13.05.440](#). The notification requirement in this section does not apply to pollutants already reported by Industrial Users subject to Categorical Pretreatment Standards under the self monitoring requirements of MMC [13.05.400](#), [13.05.420](#), and [13.05.430](#).

B. Dischargers are exempt from the requirements of Paragraph A, above, during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in [40 CFR 261.30\(d\)](#) and [261.33\(e\)](#). Discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in [40 CFR 261.30\(d\)](#) and [261.33\(e\)](#), requires a one-time notification. Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.

C. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User must notify the Director, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

D. In the case of any notification made under this section, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable federal or state law. (Ord. 4987, 2015).

13.05.490 Analytical Requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in [40 CFR Part 136](#) and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard. If [40 CFR Part 136](#) does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Director or other parties approved by EPA. (Ord. 4987, 2015).

13.05.491 Sample Collection.

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

A. Except as indicated in subsections [B](#) and [C](#) of this section, the Industrial User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Director. Where time-proportional composite sampling or grab sampling is authorized by the city, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in [40 CFR Part 136](#) and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as

documented in approved EPA methodologies may be authorized by the city, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

C. For sampling required in support of baseline monitoring and 90-day compliance reports required in MMC [13.05.400](#) and [13.05.420](#) in accordance with [40 CFR 403.12\(b\)](#) and [\(d\)](#), a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Director may authorize a lower minimum. For the reports required by paragraphs in MMC [13.05.430](#) in accordance with [40 CFR 403.12\(e\)](#) and [403.12\(h\)](#), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable pretreatment standards and requirements. (Ord. 4987, 2015).

13.05.492 Date of Receipt of Reports.

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern. (Ord. 4987, 2015).

13.05.493 Recordkeeping.

Industrial Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the Industrial User independent of such requirements, and documentation associated with Best Management Practices established under MMC [13.05.010\(C\)](#). Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three

years. This period shall be automatically extended for the duration of any litigation concerning the Industrial User or the city, or where the Industrial User has been specifically notified of a longer retention period by the Director. (Ord. 4987, 2015).

13.05.494 Certification Statements.

A. *Certification of Permit Applications, Industrial User Reports and Initial Monitoring Waiver.* The following certification statement is required to be signed and submitted by Industrial Users submitting permit applications in accordance with MMC [13.05.260](#); Industrial Users submitting baseline monitoring reports under MMC [13.05.400\(B\)\(5\)](#). [Note: See [40 CFR 403.12\(b\)](#)]; Industrial Users submitting reports on compliance with the Categorical Pretreatment Standard deadlines under MMC [13.05.420](#) [Note: See [40 CFR 403.12\(d\)](#)]; Industrial Users submitting periodic compliance reports required by MMC [13.05.430\(A\)](#) through [\(D\)](#). [Note: See [40 CFR 403.12\(e\)](#) and [\(h\)](#)]; and Industrial Users submitting an initial request to forego sampling of a pollutant on the basis of MMC [13.05.430\(B\)\(4\)](#). [Note: See [40 CFR 403.12\(e\)\(2\)\(iii\)](#)]. The following certification statement must be signed by an authorized representative as defined in MMC [13.04.040\(A\)\(3\)](#).

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

B. *Certification of Pollutants Not Present.* Industrial Users that have an approved monitoring waiver based on MMC [13.05.430\(B\)](#) must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User. [Note: See [40 CFR 403.12\(e\)\(2\)\(v\)](#)]

Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for [40 CFR _____](#) [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____

[list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under MMC [13.05.430\(A\)](#).

(Ord. 4987, 2015).

Compliance Monitoring

13.05.500 Right of Entry: Inspection and Sampling.

The Director shall have the right to enter the premises of any Industrial User to determine whether the Industrial User is complying with all requirements of this ordinance and any industrial wastewater discharge permit or order issued hereunder. Industrial Users shall allow the Director ready access to all parts of the premises for the purposes of inspection, sampling, photographing, records examination and copying, and the performance of any additional duties.

- A. Where an Industrial User has security measures in force which require proper identification and clearance before entry onto its premises, the Industrial User shall make necessary arrangements with security so that, upon presentation of proper identification, the Director shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Director shall have the right to set up on the Industrial User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the Industrial User's operations.
- C. The Director may require the Industrial User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the Industrial User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at manufactures required frequency to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the Industrial User at the written or

verbal request of the Director and shall not be replaced. The costs of clearing such access shall be borne by the Industrial User.

E. Unreasonable delays in allowing the Director access to the Industrial User's premises shall be a violation of this ordinance. (Ord. 4987, 2015).

13.05.510 Search Warrants.

If the Director has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Director may seek issuance of a search warrant through the city Attorney. (Ord. 4987, 2015).

Confidential Information

13.05.600 Confidential Information.

Information and data on a Industrial User obtained from reports, surveys, wastewater discharge permit applications, industrial wastewater discharge permits, general permits, and monitoring programs, and from the Director's inspection and sampling activities, shall be available to the public without restriction, unless the Industrial User specifically requests in writing, and is able to demonstrate to the satisfaction of the Director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the Industrial User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to

governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at [40 CFR 2.302](#) shall not be recognized as confidential information and shall be available to the public without restriction. (Ord. 4987, 2015).

Publication of Industrial Users in Significant Noncompliance

13.05.700 Significant Noncompliance.

The Director shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Industrial Users which, at any time during the previous 12 months, were in Significant Noncompliance with applicable pretreatment standards and requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates subsection [C](#), [D](#), or [H](#) of this section) and shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all the measurements taken for the same pollutant parameter taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in MMC [13.04.040\(A\)\(49\)](#);
- B. Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by MMC [13.04.040\(A\)\(49\)](#), multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a pretreatment standard or requirement that the Director determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

-
- D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Director exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in an industrial wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within 45 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s), which may include a violation of Best Management Practices, which the Director determines will adversely affect the operation or implementation of the pretreatment program. (Ord. 4987, 2015).

Administrative Enforcement Remedies

13.05.800 Notification of Violation.

When the Director finds that an Industrial User has violated, or continues to violate, any provision of this ordinance, an industrial wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director may serve upon that Industrial User a written Notice of Violation. Within five days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the Industrial User to the Director. Submission of such a plan in no way relieves the Industrial User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, even if a Notice of Violation has not been issued. (Ord. 4987, 2015).

13.05.810 Consent Orders.

The Director may enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with any Industrial User responsible for noncompliance. Such documents shall include specific action to be taken by the Industrial User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to MMC [13.05.830](#) and [13.05.840](#) and shall be judicially enforceable. (Ord. 4987, 2015).

13.05.820 Show Cause Hearing.

The Director may order an Industrial User which has violated, or continues to violate, any provision of this ordinance, an industrial wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the Industrial User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the Industrial User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally, by registered or certified mail (return receipt requested), or by traceable carrier at least 10 days prior to the hearing. Such notice may be served on any authorized representative of the Industrial User as defined in MMC [13.04.040\(A\)\(3\)](#) and required by MMC [13.05.260\(A\)](#). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the Industrial User. (Ord. 4987, 2015).

13.05.830 Compliance Orders.

When the Director finds that an Industrial User has violated, or continues to violate, any provision of this ordinance, an industrial or general wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director may issue an order to the Industrial User responsible for the discharge directing that the Industrial User come into compliance within a specified time. If the Industrial User does not come into compliance within the time provided, sewer service may be discontinued unless adequate

treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the Industrial User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the Industrial User. (Ord. 4987, 2015).

13.05.840 Cease and Desist Orders.

When the Director finds that an Industrial User has violated, or continues to violate, any provision of this ordinance, an industrial wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, or that the Industrial User's past violations are likely to recur, the Director may issue an order to the Industrial User directing it to cease and desist all such violations and directing the Industrial User to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the Industrial User. (Ord. 4987, 2015).

13.05.850 Administrative Fines.

A. When the Director finds that an Industrial User has violated, or continues to violate, any provision of this ordinance, an industrial wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director may fine such Industrial User in an amount up to and including \$1,000.00. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

B. Unpaid charges, fines, and penalties shall, after 60 calendar days, be assessed an additional interest at 9 percent APR of the unpaid balance per month. A lien against the Industrial User's property may be sought for unpaid charges, fines, and penalties.

C. Industrial Users desiring to dispute such fines must file a written request for the Director to reconsider the fine along with full payment of the fine amount within 30 days of receiving the fine. Where a request has merit, the Director may convene a hearing on the matter. In the event the Industrial User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the Industrial User. The Director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the Industrial User. (Ord. 4987, 2015).

13.05.860 Emergency Suspensions.

The Director may immediately suspend a Industrial User's discharge, after informal notice to the Industrial User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Director may also immediately suspend an Industrial User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

A. Any Industrial User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of an Industrial User's failure to immediately comply voluntarily with the suspension order, the Director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director may allow the Industrial User to recommence its discharge when the Industrial User has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings in MMC [13.05.870](#) are initiated against the Industrial User.

B. An Industrial User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the

harmful contribution and the measures taken to prevent any future occurrence, to the Director prior to the date of any show cause or termination hearing under MMC [13.05.820](#) or [13.05.870](#)

Nothing in this section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this section. (Ord. 4987, 2015).

13.05.870 Termination of Discharge.

In addition to the provisions in MMC [13.05.350](#), any Industrial User who violates the following conditions is subject to discharge termination:

- A. Violation of industrial wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the Industrial User's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the pretreatment standards in MMC [13.05.010](#).

Such Industrial User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under MMC [13.05.820](#) why the proposed action should not be taken. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the Industrial User. (Ord. 4987, 2015).

Judicial Enforcement Remedies

13.05.900 Injunctive Relief.

When the Director finds that a Industrial User has violated, or continues to violate, any provision of this ordinance, an industrial wastewater discharge permit, or order issued

hereunder, or any other pretreatment standard or requirement, the Director may petition the Circuit Court for Yamhill County through the city Attorney for the issuance of a temporary or permanent injunction or restraining order, as appropriate, which restrains or compels the specific performance of the industrial wastewater discharge permit, the general permit, order, or other requirement imposed by this ordinance on activities of the Industrial User. The Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the Industrial User to conduct environmental remediation. A petition for injunctive relief or for a restraining order shall not be a bar against, or a prerequisite for, taking any other action against an Industrial User. (Ord. 4987, 2015).

13.05.910 Civil Penalties.

- A. An Industrial User who has violated, or continues to violate, any provision of this ordinance, an industrial wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the city for a maximum civil penalty allowed under state law but not less than \$1,000.00 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The Director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by [the city].
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the Industrial User's violation, corrective actions by the Industrial User, the compliance history of the Industrial User, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against an Industrial User. (Ord. 4987, 2015).

13.05.920 Criminal Prosecution.

- A. An Industrial User who willfully or negligently violates any provision of this ordinance, an industrial wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of an unclassified misdemeanor, punishable by a fine of not more than \$1,000.00 per violation, per day, or imprisonment for not more than one year, or both.
- B. An Industrial User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of an unclassified misdemeanor and be subject to a penalty of at least \$1,000.00, or be subject to imprisonment for not more than one year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.
- C. An Industrial User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, industrial wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than \$1,000.00 per violation, per day, or imprisonment for not more than one year, or both.
- D. In the event of a second conviction, an Industrial User shall be punished by a fine of not more than \$3,000.00 per violation, per day, or imprisonment for not more than three years, or both. (Ord. 4987, 2015).

13.05.930 Remedies Nonexclusive.

The remedies provided for in this ordinance are not exclusive. The Director may take any, all, or any combination of these actions against a noncompliant Industrial User. Enforcement of pretreatment violations will generally be in accordance with [the city's] enforcement response plan. However, the Director may take other action against any Industrial User when the circumstances warrant. Further, the Director is empowered to take more than one enforcement action against any noncompliant Industrial User. (Ord. 4987, 2015).

Supplemental Enforcement Action

13.05.1030 Payment of Outstanding Fees and Penalties.

The Director may decline to issue or reissue an industrial wastewater discharge permit to any Industrial User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this ordinance, a previous industrial wastewater discharge permit, or a previous general permit, or order issued hereunder. (Ord. 4987, 2015).

Affirmative Defenses to Discharge Violations

13.05.2000 Upset.

A. For the purposes of this section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

B. An upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the requirements of Paragraph C., below, are met.

C. An Industrial User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and the Industrial User can identify the cause(s) of the upset;
2. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

3. The Industrial User has submitted the following information to the Director within 24 hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five days]:

- a. A description of the indirect discharge and cause of noncompliance;
- b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
- c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

D. In any enforcement proceeding, the Industrial User seeking to establish the occurrence of an upset shall have the burden of proof.

E. Industrial Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with Categorical Pretreatment Standards.

F. Industrial Users shall control production of all discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails. (Ord. 4987, 2015).

13.05.2010 Prohibited Discharge Standards.

An Industrial User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in MMC [13.05.010\(A\)](#) or the specific prohibitions in MMC [13.05.010\(B\)\(3\)](#) through [\(B\)\(18\)](#) if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

A. A Local Limit exists for each pollutant discharged and the Industrial User was in compliance with each limit directly prior to, and during, the pass through or interference; or

B. No Local Limit exists, but the discharge did not change substantially in nature or constituents from the Industrial User's prior discharge when the city was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable biosolids use or disposal requirements. (Ord. 4987, 2015).

13.05.2020 Bypass.

A. For the purposes of this section,

1. Bypass means the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.
2. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. An Industrial User may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections [C](#) and [D](#) of this section.

C. *Bypass Notifications.*

1. If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the Director, at least 10 days before the date of the bypass, if possible.
2. An Industrial User shall submit oral notice to the Director of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent

reoccurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

D. *Bypass.*

1. Bypass is prohibited, and the Director may take an enforcement action against an Industrial User for a bypass, unless
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - c. The Industrial User submitted notices as required under subsection [C](#) of this section.
2. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in subsection [\(D\)\(1\)](#) of this section.

Miscellaneous Provisions

13.05.3010 Severability.

If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect. (Ord. 4987, 2015).

13.05.3020 Water Supply Severance.

Whenever a user has violated or continues to violate any provision of this title, an individual wastewater discharge permit, general permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will recommence, at the user's expense, only after the user has satisfactorily demonstrated its ability to comply. (Ord. 4987, 2015).

This is a nonfinal proof copy of the McMinnville Municipal Code for customer review only. It should not be relied upon for any purpose.

The McMinnville Municipal Code is current through Ordinance 5111, passed March 8, 2022.

Disclaimer: The city recorder's office has the official version of the McMinnville Municipal Code. Users should contact the city recorder's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

[City Telephone: \(503\) 434-2342](tel:(503)434-2342)

[Hosted by General Code.](#)

Chapter 13.05

SANITARY SEWERS – INDUSTRIAL PRETREATMENT REGULATIONS

Sections:

Prohibitions

- 13.05.010** **General Discharge Prohibitions.**
- 13.05.020** **National Categorical Pretreatment Standards.**
- 13.05.030** **State Pretreatment Requirements.**
- 13.05.040** **Local Limits.**
- 13.05.050** **City’s Right of Revision.**
- 13.05.060** **Dilution.**
- 13.05.070** **Disposal of Oil and Grease.**

Pretreatment of Wastewater

- 13.05.100** **Pretreatment Facilities.**
- 13.05.110** **Additional Pretreatment Measures.**
- 13.05.120** **Accidental Discharge / Slug Discharge Control plans.**
- 13.05.130** **Mobile Waste Hauler Permits.**

Industrial Wastewater Discharge Permits

- 13.05.200** **Industrial User Survey.**
- 13.05.205** **Wastewater Analysis.**
- 13.05.210** **Individual and General Wastewater Discharge Permit Requirement.**
- 13.05.220** **Individual and General Wastewater Discharge Permitting: Existing Connections.**
- 13.05.230** **Individual and General Wastewater Discharge Permitting: New Connections.**
- 13.05.240** **Individual and General Wastewater Discharge Permit Application Contents.**
- 13.05.250** **Wastewater Discharge Permitting – General Permit.**
- 13.05.260** **Application Signatories and Certifications.**
- 13.05.270** **Individual and General Wastewater Discharge Permit Decisions.**

Individual and General Wastewater Discharge Permit Issuance

- 13.05.300 Individual and General Wastewater Discharge Permit Duration.**
- 13.05.310 Individual and General Wastewater Discharge Permit Contents.**
- 13.05.320 Permit Issuance Process.**
- 13.05.330 Permit Modification.**
- 13.05.340 Individual and General Wastewater Discharge Permit Transfer.**
- 13.05.350 Individual and General Wastewater Discharge Permit Revocation.**
- 13.05.360 Individual and General Wastewater Discharge Permit Reissuance.**
- 13.05.370 Regulation of Waste Received from Other Jurisdictions.**

Reporting Requirements

- 13.05.400 Baseline Monitoring Reports.**
- 13.05.410 Compliance Schedule Progress Reports.**
- 13.05.420 Reports on Compliance with Categorical Pretreatment Standard
Deadline.**
- 13.05.430 Periodic Compliance Reports.**
- 13.05.440 Reports of Changed Conditions.**
- 13.05.450 Reports of Potential Problems.**
- 13.05.460 Reports from Unpermitted Industrial Users.**
- 13.05.470 Notice of Violation / Repeat Sampling and Reporting.**
- 13.05.480 Notification of the Discharge of Hazardous Waste.**
- 13.05.490 Analytical Requirements.**
- 13.05.491 Sample Collection.**
- 13.05.492 Date of Receipt of Reports.**
- 13.05.493 Recordkeeping.**
- 13.05.494 Certification Statements.**

Compliance Monitoring

- 13.05.500 Right of Entry: Inspection and Sampling.**
- 13.05.510 Search Warrants.**

Confidential Information

- 13.05.600 Confidential Information.**

Publication of Industrial Users in Significant Noncompliance

13.05.700 Significant Noncompliance.

Administrative Enforcement Remedies

13.05.800 Notification of Violation.

13.05.810 Consent Orders.

13.05.820 Show Cause Hearing.

13.05.830 Compliance Orders.

13.05.840 Cease and Desist Orders.

13.05.850 Administrative Fines.

13.05.860 Emergency Suspensions.

13.05.870 Termination of Discharge.

Judicial Enforcement Remedies

13.05.900 Injunctive Relief.

13.05.910 Civil Penalties.

13.05.920 Criminal Prosecution.

13.05.930 Remedies Nonexclusive.

Supplemental Enforcement Action

13.05.1030 Payment of Outstanding Fees and Penalties.

Affirmative Defenses to Discharge Violations

13.05.2000 Upset.

13.05.2010 Prohibited Discharge Standards.

13.05.2020 Bypass.

Miscellaneous Provisions

13.05.3010 Severability.

13.05.3020 Water Supply Severance.

Prohibitions

13.05.010 General Discharge Prohibitions.

A. *General Prohibitions.* No sewer user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all sewer users of the POTW whether or not they are subject to Categorical Pretreatment Standards or any other national, state, or local pretreatment standards or requirements.

B. *Specific Prohibitions.* No sewer user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in [40 CFR 261.21](#);
2. Wastewater having a pH less than 6.0 or more than 11.0 SU, or otherwise causing corrosive structural damage to the POTW or equipment;
3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than 1/2 inch in any dimension;
4. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
5. Wastewater having a temperature greater than 140 degrees F (60 degrees C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

8. Trucked or hauled pollutants, except at discharge points designated by the Director in accordance with MMC [13.05.130](#);
9. Noxious or malodorous liquids, aldehydes, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
10. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the city's NPDES permit;
11. Wastewater containing any radioactive wastes or isotopes except in compliance with the current "Oregon Regulations for the Control of Radiation" (OAR [333-120-0520](#));
12. Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Director;
13. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
14. Medical wastes, except as specifically authorized by the Director in a city control mechanism;
15. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
16. Detergents, surface-active agents, or other substances which might cause excessive foaming in the POTW;
17. Fats, oils, or greases of animal or vegetable origin in amounts that will cause interference or pass through;
18. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 10 percent of the Lower Explosive Limit or any single reading over 20 percent of the Lower Explosive Limit of the meter.

C. The Director may develop Best Management Practices (BMPs), by ordinance or in industrial wastewater discharge permits or general permits to implement the requirements of MMC [13.05.010](#).

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. (Ord. 4987, 2015).

13.05.020 National Categorical Pretreatment Standards.

Categorical Industrial Users (CIU) must comply with the Categorical Pretreatment Standards found at [40](#) CFR Chapter I, Subchapter N, Parts 405-471.

A. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with subsection [E](#) and [E](#) of this section.

B. When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Director may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.

C. When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Director shall impose an alternate limit in accordance with [40](#) CFR [403.6\(e\)](#).

D. When a Categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the city convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Director. The city may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in subsections [\(D\)\(1\)\(a\)](#) through [\(D\)\(1\)\(e\)](#) of this section.

1. To be eligible for equivalent mass limits, the Industrial User must:
 - a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its industrial wastewater discharge permit;

-
- b. Currently use control and treatment technologies adequate to achieve compliance with the applicable Categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
 - c. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
 - d. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and
 - e. Have consistently complied with all applicable Categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.
 2. An Industrial User subject to equivalent mass limits must:
 - a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
 - b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
 - c. Continue to record the facility's production rates and notify the Director whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in subsection [\(D\)\(1\)\(c\)](#) of this section. Upon notification of a revised production rate, the Director will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
 - d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to subsection [\(D\)\(1\)\(a\)](#) of this section so long as it discharges under an equivalent mass limit.
 3. When developing equivalent mass limits, the Director:
 - a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based
-

daily maximum and monthly average standard for the applicable Categorical Pretreatment Standard and the appropriate unit conversion factor;

b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

c. May retain the same equivalent mass limit in subsequent industrial wastewater discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to MMC [13.05.060](#). The Industrial User must also be in compliance with MMC [13.05.2020](#) regarding the prohibition of bypass.

E. The Director may convert the mass limits of the Categorical Pretreatment Standards of [40](#) CFR Parts [414](#), [419](#), and [455](#) to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Director.

F. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this section in lieu of the promulgated Categorical Standards from which the equivalent limitations were derived.

G. Many Categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

H. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Director within two business days after the Industrial User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any Industrial User not notifying the Director of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long-term average production rate. (Ord. 4987, 2015).

13.05.030 State Pretreatment Requirements.

Industrial Users must comply with applicable state pretreatment standards and requirements set out in Oregon Administrative Rules (OAR) Chapter 340, Division 45, Section 0063 and incorporated herein. (Ord. 4987, 2015).

13.05.040 Local Limits.

A. The Director is authorized to establish Local Limits pursuant to [40 CFR 403.5\(c\)](#), and may modify and publish revisions from time to time appropriately. No Significant Industrial User (SIU) shall discharge wastewater containing pollutants in excess of the established Local Limits.

~~B. The following pollutant limits are established to protect against pass through and interference. No Significant Industrial User (SIU) shall discharge wastewater containing in excess of the following limitations listed in Table 1:~~

~~Table Table 1. Local Limits~~

Pollutant	Units	Local Limit
Arsenic	mg/l	0.3
Cadmium	mg/l	0.2
Chromium	mg/l	5.7
Copper	mg/l	2.1
Cyanide	mg/l	0.5
Fats, oil, grease	mg/l	100
Lead	mg/l	0.8
Mercury	mg/l	0.04

Pollutant	Units	Local Limit
Molybdenum	mg/l	0.6
Nickel	mg/l	1.8
Selenium	mg/l	0.7
Silver	mg/l	0.2
Zinc	mg/l	2.8

~~CB.~~ The Local Limits apply at the point where the wastewater is discharged to the POTW or where industrial process water enters a separate sampling vault and is the designated sample point for the SIU and the city. ~~All concentrations for metallic substances are for total metal unless indicated otherwise. The Director may impose mass limitations in addition to the concentration-based limitations above.~~ (Ord. 4987, 2015).

13.05.050 City's Right of Revision.

The city reserves the right to establish, by ordinance or in industrial wastewater discharge permits or in general permits, more stringent standards or requirements on discharges to the POTW consistent with the purpose of this ordinance. (Ord. 4987, 2015).

13.05.060 Dilution.

No Industrial User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Director may impose mass limitations on Industrial Users who are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate. (Ord. 4987, 2015).

13.05.070 Disposal of Oil and Grease.

A. All new restaurants and Industrial Users employing a fats, oils and/or grease process shall install an approved oil/grease trap or interceptor before discharging to the POTW. In the case of other uses including preexisting restaurants and Industrial Users, grease, oil, and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for:

1. The proper handling of liquid wastes containing oil or grease in excessive amounts as to cause plugging or maintenance problems within the collection system;
2. Any flammable wastes; and
3. Other harmful pollutants.

B. Such interceptors shall be so located as to be readily and easily accessible for cleaning, inspection and sampling, and shall be approved by the Director prior to installation.

C. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures. They shall be of substantial construction, watertight, and equipped with easily removable cover which, when bolted in place, shall be gastight and watertight.

D. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his or her expense to provide continuously efficient operation through periodic removal of accumulated grease, scum, oil or other floating substances and solids deposited in the interceptor. All cleaning residues shall be satisfactorily disposed of in an approved, environmentally acceptable manner. Authorized city employees shall be allowed access to grease traps and interceptors for the purpose of inspection and/or to verify compliance with this section. Fat waste, oil or grease removed from such a facility shall not be disposed of in the sanitary or storm sewer. A record of disposal shall be submitted to the city of McMinnville for review within 15 business days.

E. The use of hot water, enzymes, bacteria, chemicals or other agents or devices for the purpose of causing the contents of a pretreatment device to be discharged into the sanitary system, or to avoid the installation of a pretreatment device is prohibited. (Ord. 4987, 2015).

Pretreatment of Wastewater

13.05.100 Pretreatment Facilities.

Industrial Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all Categorical Pretreatment Standards, Local Limits, and the prohibitions set out in MMC [13.05.010](#) within the time limitations specified by EPA, the state, or the Director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the Industrial User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Director for review, and shall be acceptable to the Director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the Industrial User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the city under the provisions of this ordinance. (Ord. 4987, 2015).

13.05.110 Additional Pretreatment Measures.

- A. Whenever deemed necessary, the Director may require Industrial Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the Industrial User's compliance with the requirements of this ordinance.
- B. The Director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An industrial wastewater discharge permit may be issued solely for flow equalization.
- C. The Director may require any person discharging into the POTW to install and maintain, on their property and at their expense grease, oil, and sand interceptors when, in the opinion of the Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Director,

and shall be so located to be easily accessible for cleaning, sampling and inspection. Such interceptors shall be inspected, cleaned, and repaired by the user at their expense.

D. In the event the city, during maintenance of public sewer lines, record situations of grease accumulation in lines sufficient to restrict the normal flow of waste, upstream users shall be inspected. If the Director determines that an upstream user is responsible for the grease or oil discharge, the user will be required to cease discharge of the prohibited waste. Additionally, the user may be required to install an interceptor, maintain the interceptor, and may be charged for the cost

of cleaning the line. When an obstruction of the public line occurs, a violation of [40 CFR 403.5\(b\)\(3\)](#) or [\(6\)](#) and MMC [13.05.010\(B\)](#), Specific Prohibitions, has occurred.

E. Industrial Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter. (Ord. 4987, 2015).

13.05.120 Accidental Discharge / Slug Discharge Control plans.

The Director shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges.

The Director may require any Industrial User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including not routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the Director of any accidental or slug discharge, as required by MMC [13.05.450](#); and
- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for

containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response. (Ord. 4987, 2015).

13.05.130 Mobile Waste Hauler Permits.

Mobile waste haulers may discharge loads only at locations designated by the Director. The Director may collect samples of each hauled load to ensure compliance with applicable standards. The Director may require the mobile waste hauler to provide a waste analysis of any load prior to discharge.

A. *Permit Required.* Any person proposing to be a mobile waste hauler and any person the Director has determined is likely to be a mobile waste hauler shall secure a mobile waste hauler discharge permit from the city. Any discharge by a mobile waste hauler without a permit is a violation of this chapter. Such waste shall not violate MMC [13.05.010](#) or any other requirements established by the city.

B. *Application.* Any new mobile waste hauler shall apply for a mobile waste hauler permit at least 30 days prior to its initial discharge. Applications shall be made to the Director in writing on forms provided by the city and shall include the following information.

1. Name, address, telephone number and authorized representative of the applicant;
2. NAICS or SIC number and other state or federal license numbers;
3. A list of environmental control permits held by or for the applicant;
4. A description of spill prevention measures or plans which are currently in place for use during storage or discharge of wastewater;
5. A description of activities and methods of collection, transportation, storage and discharge of wastewater, a description of transportation and storage facilities, and a general description of types and quantities of all materials which are or could be discharged; and
6. Proof of adequate general liability and property damage insurance.

C. The Director shall evaluate the data furnished by the applicant and may determine that additional information or sampling of wastewater characteristics is necessary. If such a determination is made, the applicant, unless the time period is extended, will be given 30 days to provide the required information or sampling. If it is not provided within the designated time period, the application shall be denied. After determining that the submitted application contains all the information required by this subsection, the Director shall consider the submission, any additional evidence that may have been requested, and any other available information relevant to the application. If the Director determines that the proposed discharge meets the requirements of this chapter and the additional septage does not otherwise overload or cause damage to any portion of the POTW; or will not create an imminent or potential hazard to personnel, the Director shall, within 30 days after determining that the application is complete, issue a mobile waste hauler discharge permit subject to appropriate conditions.

D. *Modification of Permit.* Conditions included in a mobile waste hauler discharge permit shall remain in effect for that permit until it expires, except that they may be revised by the Director whenever the Director deems a revision is necessary in order to effectively implement the pretreatment program, as required by city, state or federal standards, to effectuate the objectives of Chapters [13.04](#) through [13.12](#) MMC and the policy of the city to cooperate with the state and federal government, or to meet any emergency. The permit holder shall be informed of any proposed change in its permit at least 30 days prior to the effective date of the change except in the event of an emergency.

E. *Duration.* Permits shall be issued for a specified time period, not to exceed three years. The permit holder shall apply for permit reissuance a minimum of 90 days prior to the expiration of its existing permit if it desires to continue to discharge. An expired permit will continue to be in effect until the city takes final action on the renewal application to issue or deny the permit if:

1. The permit holder has submitted a complete permit application at least 90 days prior to the expiration of its permit; and
2. The failure to take final action is not due to any act or failure to act on the part of the permit holder.

F. *Conditions.* Mobile waste hauler discharge permits shall be expressly subject to all provisions of Chapters [13.04](#) through [13.12](#) MMC. Mobile waste hauler permits shall contain the following conditions:

1. Payment of applicable fees;
2. Limits on the average and maximum discharge of restricted substances;
3. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
4. Compliance schedules;
5. Requirements for submission of technical reports or discharge reports;
6. 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 any restricted substances being discharged;
7. Requirements for insurance coverage for all activities subject to the provisions of this chapter;
8. Requirements that the permit holder retain a copy of a valid mobile waste hauler discharge permit in each vehicle used for transportation of wastewater, and present that permit to any employee of the city authorized to inspect the mobile waste hauler discharge permit;
9. Requirements that the permit holder present a manifest of origin of all wastewater proposed for discharge;
10. Requirements that the permit holder discharge only at the designated discharge point and at designated times;
11. Requirements that the permit holder remove or otherwise clean up all spilled material or waste after discharge and that the permit holder agree to pay any public agency which provides assistance in such clean up or which performs such clean up after a failure by the permit holder to comply, an amount representing twice the amount of the actual expenditures of the public agency for labor and materials necessary to clean any spilled waste;
12. Requirements that the permit holder apply in writing on approved forms for permission to discharge any wastewater containing any restricted substances or wastewater containing any substances other than residential or septage waste; and

13. Other conditions as deemed appropriate by the Director to achieve compliance with Chapters [13.04](#) through [13.12](#) MMC.

G. *Transfer.* A mobile waste hauler discharge permit shall be issued to a specific mobile waste hauler for a specific operation. A mobile waste hauler discharge permit shall not be assigned, transferred or sold without the approval of the Director. Any successor mobile waste hauler shall agree to comply with the terms and conditions of the existing permit as a condition precedent to the approval by the Director of a transfer, sale or assignment of the permit.

H. *Analysis and Reporting Requirements.* Permit holders shall be required to submit information, certifications, compliance schedules and samples of discharges or perform such tests and report such test results to the Director as follow:

1. When requested by state or local public agencies; or
2. When deemed necessary by the Director for the proper treatment, analysis or control of discharges.

All such tests and reports shall be at the cost of the permit holder. To the degree practicable, the Director shall 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. (Ord. 4987, 2015).

Industrial Wastewater Discharge Permits

13.05.200 Industrial User Survey.

When requested by the Director, all Industrial Users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The Director is authorized to prepare a form for this purpose and may periodically require Industrial Users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the Industrial User and shall be considered a violation of this chapter. (Ord. 4987, 2015).

13.05.205 Wastewater Analysis.

When requested by the Director, an Industrial User must submit information on the nature and characteristics of its wastewater within 90 days of the request. The Director is authorized to prepare a form for this purpose and may periodically require Industrial Users to update this information. (Ord. 4987, 2015).

13.05.210 Individual and General Wastewater Discharge Permit Requirement.

- A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an industrial wastewater discharge permit from the Director, except that a Significant Industrial User that has filed a timely application pursuant to MMC [13.05.220](#) may continue to discharge for the time period specified therein.
- B. Significant Industrial Users classified as a Categorical Industrial User that does not discharge wastewater into the sanitary sewer are required to obtain a nondischarge Categorical Industrial User control mechanism.
- C. The Director may require other Industrial Users to obtain industrial wastewater discharge permits as necessary to carry out the purposes of this ordinance.
- D. Any violation of the terms and conditions of an industrial wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections [13.05.800](#) through [13.05.2020](#). Obtaining an industrial wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law. (Ord. 4987, 2015).

13.05.220 Individual and General Wastewater Discharge Permitting: Existing Connections.

Any Industrial User required to obtain an industrial wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within 60 days after said date, apply to the Director for an industrial wastewater discharge permit in accordance with MMC [13.05.240](#), and shall not cause or allow discharges to the POTW to continue after 90 days of the effective date of this ordinance except in accordance with an industrial wastewater discharge permit issued by the Director. (Ord. 4987, 2015).

13.05.230 Individual and General Wastewater Discharge Permitting: New Connections.

Any Industrial User required to obtain an industrial wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this industrial wastewater discharge permit in accordance with MMC [13.05.240](#) must be filed at least 90 days prior to the date upon which any discharge will begin or recommence. (Ord. 4987, 2015).

13.05.240 Individual and General Wastewater Discharge Permit Application Contents.

A. All Industrial Users required to obtain an industrial wastewater discharge permit must submit a permit application. Users that are eligible may request a general permit under MMC [13.05.250](#). The Director may require Industrial Users to submit all or some of the following information as part of a permit application:

1. Identifying information.
 - a. The name and address of the facility, including the name of the operator and owner.

-
- b. Contact information, description of activities, facilities, and plant production processes on the premises;
 2. *Environmental permits.* A list of any environmental control permits held by or for the facility.
 3. Description of operations.
 - a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and NAICS or SIC codes of the operation(s) carried out by such Industrial User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
 - b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
 - c. Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - d. Type and amount of raw materials processed (average and maximum per day);
 - e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
 4. Time and duration of discharges.
 5. The location for monitoring all wastes covered by the permit.
 6. *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in MMC [13.05.020\(C\)](#) in accordance with [40 CFR 403.6\(e\)](#).
 7. Measurement of pollutants.
 - a. The Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for existing sources.
-

-
- b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Director, of regulated pollutants in the discharge from each regulated process.
 - c. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.
 - d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in MMC [13.05.490](#). Where the Standard requires compliance with a BMP or pollution prevention alternative, the Industrial User shall submit documentation as required by the Director or the applicable standards to determine compliance with the Standard.
 - e. Sampling must be performed in accordance with procedures set out in MMC [13.05.491](#).
8. Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on MMC [13.05.430\(B\)](#) in accordance with [40](#) CFR [403.12\(e\)\(2\)](#).
 9. Any request to be covered by a general permit based on MMC [13.05.250](#).
 10. Any other information as may be deemed necessary by the Director to evaluate the permit application.
- B. Incomplete or inaccurate applications will not be processed and will be returned to the Industrial User for revision. (Ord. 4987, 2015).

13.05.250 Wastewater Discharge Permitting – General Permit.

- A. At the discretion of the Director, the Director may use general permits to control Industrial User discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:
1. Involve the same or substantially similar types of operations;
 2. Discharge the same types of wastes;

3. Require the same effluent limitations;
4. Require the same or similar monitoring; and
5. In the opinion of the Director, are more appropriately controlled under a general permit than under industrial wastewater discharge permits.

B. To be covered by the general permit, the Industrial User must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with MMC [13.05.430\(B\)](#) for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the Director has provided written notice to the Industrial User that such a waiver request has been granted in accordance with MMC [13.05.430\(B\)](#).

C. The Director will retain a copy of the general permit, documentation to support the POTW's determination that a specific Industrial User meets the criteria in MMC [13.05.250\(A\)\(1\)](#) to [\(A\)\(5\)](#) and applicable state regulations, and a copy of the Industrial User's written request for coverage for three years after the expiration of the general permit.

D. The Director may not control an Industrial User through a general permit where the facility is subject to production-based Categorical Pretreatment Standards or Categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for Industrial Users whose limits are based on the combined wastestream formula (see MMC [13.05.020\(C\)](#)). (Ord. 4987, 2015).

13.05.260 Application Signatories and Certifications.

- A. All wastewater discharge permit applications, Industrial User reports and certification statements must be signed by an authorized representative of the Industrial User and contain the certification statement in MMC [13.05.494\(A\)](#).
- B. If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall

responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to the Director prior to or together with any reports to be signed by an authorized representative. (Ord. 4987, 2015).

13.05.270 Individual and General Wastewater Discharge Permit Decisions.

The Director will evaluate the data furnished by the Industrial User and may require additional information. Within 90 days of receipt of a complete permit application, the Director will determine whether to issue an industrial wastewater discharge permit. The Director may deny any application for an industrial wastewater discharge permit. (Ord. 4987, 2015).

Individual and General Wastewater Discharge Permit Issuance

13.05.300 Individual and General Wastewater Discharge Permit Duration.

An industrial wastewater discharge permit shall be issued for a specified time period, not to exceed five years from the effective date of the permit. An industrial wastewater discharge permit may be issued for a period less than five years, at the discretion of the Director. Each industrial wastewater discharge permit will indicate a specific date upon which it will expire. (Ord. 4987, 2015).

13.05.310 Individual and General Wastewater Discharge Permit Contents.

An industrial wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Director to prevent pass through or interference, protect the

quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate biosolids management and disposal, and protect against damage to the POTW.

A. Industrial wastewater discharge permits and general permits must contain:

1. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
2. A statement that the wastewater discharge permit is nontransferable without prior notification to the city in accordance with MMC [13.05.340](#), and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
3. Effluent limits, including Best Management Practices, based on applicable pretreatment standards;
4. *Self monitoring, sampling, reporting, notification, and record-keeping requirements.* These requirements shall include an identification of pollutants (or Best Management Practice) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;
5. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with MMC [13.05.430\(B\)](#);
6. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law;
7. Requirements to control slug discharge, if determined by the Director to be necessary; and
8. Any grant of the monitoring waiver by the Director (see MMC [13.05.430\(B\)](#)) must be included as a condition in the Industrial User's permit or other control mechanism.

B. Industrial wastewater discharge permits may contain, but need not be limited to, the following conditions:

1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or not routine discharges;
4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
5. The unit charge or schedule of Industrial User charges and fees for the management of the wastewater discharged to the POTW;
6. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
7. A statement that compliance with the industrial wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the industrial wastewater discharge permit; and
8. Other conditions as deemed appropriate by the Director to ensure compliance with this ordinance, and state and federal laws, rules, and regulations. (Ord. 4987, 2015).

13.05.320 Permit Issuance Process.

A. *Permit Appeals.* The Industrial User, may petition the Director to reconsider the terms of an industrial wastewater discharge permit within 10 days of its issuance.

1. Failure to submit a timely petition for reconsideration shall be deemed to be a waiver of the administrative appeal.
2. In its petition, the Industrial user must indicate the industrial wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the industrial wastewater discharge permit.

3. Reconsideration of the industrial wastewater discharge permit shall not be stayed pending the appeal.
4. If the Director fails to act within 10 days, a petition for reconsideration shall be deemed to be denied. Decisions not to reconsider an industrial wastewater discharge permit, not to issue an industrial wastewater discharge permit, or not to modify an industrial wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
5. Industrial Users seeking judicial review of the final administrative industrial wastewater discharge permit decision must do so by filing a complaint within 180 days in the Yamhill County Court for Yamhill County in accordance to Oregon Revised Statute (ORS) §12.070 (Judgments). (Ord. 4987, 2015).

13.05.330 Permit Modification.

A. The Director may modify an industrial wastewater discharge permit for good cause, including, but not limited to, the following reasons:

1. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
2. To address significant alterations or additions to the Industrial User's operation, processes, or wastewater volume or character since the time of the industrial wastewater discharge permit issuance;
3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
4. Information indicating that the permitted discharge poses a threat to the city's POTW, city personnel, or the receiving waters;
5. Violation of any terms or conditions of the industrial wastewater discharge permit;
6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

7. Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to [40 CFR 403.13](#);
8. To correct typographical or other errors in the industrial wastewater discharge permit;
or
9. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with MMC [13.05.340](#). (Ord. 4987, 2015).

13.05.340 Individual and General Wastewater Discharge Permit Transfer.

Industrial wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 60 days advance notice to the Director and the Director approves the industrial wastewater discharge permit transfer. The notice to the Director must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing industrial wastewater discharge permit.

Failure to provide advance notice of a transfer renders the industrial wastewater discharge permit void as of the date of facility transfer. (Ord. 4987, 2015).

13.05.350 Individual and General Wastewater Discharge Permit Revocation.

The Director may revoke an industrial wastewater discharge permit for good cause, including, but not limited to, the following reasons:

-
- A. Failure to notify the Director of significant changes to the wastewater prior to the changed discharge;
 - B. Failure to provide prior notification to the Director of changed conditions pursuant to MMC [13.05.440](#);
 - C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 - D. Falsifying self-monitoring reports and certification statements;
 - E. Tampering with monitoring equipment;
 - F. Refusing to allow the Director timely access to the facility premises and records;
 - G. Failure to meet effluent limitations;
 - H. Failure to pay fines;
 - I. Failure to pay sewer charges;
 - J. Failure to meet compliance schedules;
 - K. Failure to complete a wastewater survey or the wastewater discharge permit application;
 - L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
 - M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

Industrial wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All industrial wastewater discharge permits issued to an Industrial User are void upon the issuance of a new industrial wastewater discharge permit to that Industrial User. (Ord. 4987, 2015).

13.05.360 Individual and General Wastewater Discharge Permit Reissuance.

An Industrial User with an expiring industrial wastewater discharge permit shall apply for industrial wastewater discharge permit reissuance by submitting a complete permit application, in accordance with MMC [13.05.240](#), a minimum of 60 days prior to the expiration of the Industrial User's existing industrial or general wastewater discharge permit. (Ord. 4987, 2015).

13.05.370 Regulation of Waste Received from Other Jurisdictions.

A. If another municipality, or sewer user located within another municipality, contributes wastewater to the POTW, the Director shall enter into an intergovernmental agreement (IGA) with the contributing municipality.

B. Prior to entering into an agreement required by Paragraph A, above, the Director shall request the following information from the contributing municipality:

1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
2. An inventory of all sewer users located within the contributing municipality that are discharging to the POTW; and
3. Such other information as the Director may deem necessary.

C. An intergovernmental agreement, as required by Paragraph A, above, shall contain the following conditions:

1. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in MMC [13.05.040](#). The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the city's ordinance or Local Limits;
2. A requirement for the contributing municipality to submit a revised sewer user inventory on at least an annual basis;

3. A provision specifying which pretreatment implementation activities, including industrial wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Director; and which of these activities will be conducted jointly by the contributing municipality and the Director;
4. A requirement for the contributing municipality to provide the Director with access to all information that the contributing municipality obtains as part of its pretreatment activities;
5. Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
6. Requirements for monitoring the contributing municipality's discharge;
7. A provision ensuring the Director access to the facilities of sewer users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Director; and
8. A provision specifying remedies available for breach of the terms of the intergovernmental agreement. (Ord. 4987, 2015).

Reporting Requirements

13.05.400 Baseline Monitoring Reports.

A. Within either 180 days after the effective date of a Categorical Pretreatment Standard, or the final administrative decision on a category determination under [40 CFR 403.6\(a\)\(4\)](#), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Director a report which contains the information listed in Paragraph B, below. At least 90 days prior to commencement of their discharge, new sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical standard, shall submit to the Director a report which contains the information listed in Paragraph B, below. A new source shall report the method of

pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

B. Categorical Industrial Users (CIU) described above shall submit the information set forth below.

1. All information required in MMC [13.05.240\(A\)\(1\)](#) through [\(A\)\(6\)](#).
2. Measurement of pollutants.
 - a. The CIU shall provide the information required in MMC [13.05.240\(A\)\(7\)\(a\)](#) through [\(A\)\(7\)\(d\)](#).
 - b. The CIU shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this Paragraph.
 - c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the CIU should measure the flows and concentrations necessary to allow use of the combined wastestream formula in [40 CFR 403.6\(e\)](#) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with [40 CFR 403.6\(e\)](#), this adjusted limit along with supporting data shall be submitted to the Control Authority;
 - d. Sampling and analysis shall be performed in accordance with MMC [13.05.490](#);
 - e. The Director may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
 - f. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
3. *Compliance certification.* A statement, reviewed by the CIU's authorized representative as defined in MMC [13.04.040\(A\)\(3\)](#) and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional

operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

4. *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the CIU will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in MMC [13.05.410](#).

5. *Signature and report certification.* All baseline monitoring reports must be certified in accordance with MMC [13.05.494\(A\)](#) and signed by an authorized representative as defined in MMC [13.04.040\(A\)\(3\)](#). (Ord. 4987, 2015).

13.05.410 Compliance Schedule Progress Reports.

The following conditions shall apply to the compliance schedule required by MMC [13.05.400\(B\)\(4\)](#):

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Industrial User to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

B. No increment referred to above shall exceed nine months;

C. The Industrial User shall submit a progress report to the Director no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the Industrial User to return to the established schedule; and

D. In no event shall more than nine months elapse between such progress reports to the Director. (Ord. 4987, 2015).

13.05.420 Reports on Compliance with Categorical Pretreatment Standard Deadline.

Within 90 days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any Categorical Industrial User subject to such pretreatment standards and requirements shall submit to the Director a report containing the information described in MMC [13.05.240\(A\)\(6\)](#) and [\(A\)\(7\)](#) and [13.05.400\(B\)\(2\)](#). For Categorical Industrial Users subject to equivalent mass or concentration limits established in accordance with the procedures in MMC [13.05.020](#), this report shall contain a reasonable measure of the Categorical Industrial User's long-term production rate. For all other Industrial Users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the Industrial User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with MMC [13.05.494\(A\)](#). All sampling will be done in conformance with MMC [13.05.491](#). (Ord. 4987, 2015).

13.05.430 Periodic Compliance Reports.

A. Except as specified in MMC [13.05.430\(C\)](#), all Significant Industrial Users must, at a frequency determined by the Director, submit no less than twice per year (June and December [or on dates specified]) reports indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the Significant Industrial User must submit documentation required by the Director or the pretreatment standard necessary to determine the compliance status of the Significant Industrial User.

B. The city may authorize an Industrial User subject to a Categorical Pretreatment Standard to forego sampling of a pollutant regulated by a Categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities

of the Industrial User. [See [40 CFR 403.12\(e\)\(2\)](#)] This authorization is subject to the following conditions:

1. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.
2. The monitoring waiver is valid only for the duration of the effective period of the industrial wastewater discharge permit, but in no case longer than five years. The Industrial User must submit a new request for the waiver before the waiver can be granted for each subsequent industrial wastewater discharge permit. See MMC [13.05.240\(A\)\(8\)](#).
3. In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
4. The request for a monitoring waiver must be signed in accordance with MMC [13.05.040\(A\)\(3\)](#), and include the certification statement in MMC [13.05.494\(A\)](#) in accordance with [40 CFR 403.6\(a\)\(2\)\(ii\)](#).
5. Nondetectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from [40 CFR Part 136](#) with the lowest minimum detection level for that pollutant was used in the analysis.
6. Any grant of the monitoring waiver by the Director must be included as a condition in the Industrial User's permit. The reasons supporting the waiver and any information submitted by the Industrial User in its request for the waiver must be maintained by the Director for three years after expiration of the waiver.
7. Upon approval of the monitoring waiver and revision of the Industrial User's permit by the Director, the Industrial User must certify on each report with the statement in MMC [13.05.494\(B\)](#) below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.
8. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the Industrial User's operations, the Industrial User must immediately: comply with the monitoring requirements of subsection [A](#) of this section, or

other more frequent monitoring requirements imposed by the Director, and notify the Director.

9. This provision does not supersede certification processes and requirements established in Categorical Pretreatment Standards, except as otherwise specified in the Categorical Pretreatment Standard.

C. The city may reduce the requirement for periodic compliance reports MMC [13.05.340\(A\)](#) to a requirement to report no less frequently than once a year, unless required more frequently in the pretreatment standard or by the state, where the Industrial User's total categorical wastewater flow does not exceed any of the following:

1. POTW's value for 0.01 percent of the POTW's design dry-weather hydraulic capacity of the POTW, or 5,000 gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches.
2. POTW's value for 0.01 percent of the design dry-weather organic treatment capacity of the POTW; and
3. POTW's value for 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical pretreatment standard for which approved Local Limits were developed in accordance with MMC [13.05.040](#).

Reduced reporting is not available to Industrial Users that have in the last two years been in Significant Noncompliance, as defined in MMC [13.05.700](#). In addition, reduced reporting is not available to an Industrial User with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the Director, decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

D. All periodic compliance reports must be signed and certified in accordance with MMC [13.05.494\(A\)](#).

E. All wastewater samples must be representative of the Industrial User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an Industrial User to keep its monitoring facility in good working order shall not be grounds for the Industrial User to claim that sample results are unrepresentative of its discharge.

F. If an Industrial User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Director, using the procedures prescribed in MMC [13.05.491](#), the results of this monitoring shall be included in the report. (Ord. 4987, 2015).

13.05.440 Reports of Changed Conditions.

Each Industrial User must notify the Director of any significant changes to the Industrial User's operations or system which might alter the nature, quality, or volume of its wastewater including facility closure at least 30 days before the change.

A. The Director may require the Industrial User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under MMC [13.05.240](#).

B. The Director may issue an industrial wastewater discharge permit under MMC [13.05.360](#) or modify an existing wastewater discharge permit under MMC [13.05.330](#) in response to changed conditions or anticipated changed conditions. (Ord. 4987, 2015).

13.05.450 Reports of Potential Problems.

A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a not routine, episodic nature, a non-customary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the Industrial User shall immediately telephone and notify the Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the Industrial User.

B. Within five days following such discharge, the Industrial User shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the Industrial User to prevent similar future occurrences. Such notification shall not relieve the Industrial User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other

damage to person or property; nor shall such notification relieve the Industrial User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

C. A notice shall be permanently posted on the Industrial User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in subsection A of this section. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

D. Significant Industrial Users are required to notify the Director immediately of any changes at its facility affecting the potential for a slug discharge. (Ord. 4987, 2015).

13.05.460 Reports from Unpermitted Industrial Users.

All Industrial Users not required to obtain an industrial wastewater discharge permit shall provide appropriate reports to the Director as the Director may require. (Ord. 4987, 2015).

13.05.470 Notice of Violation / Repeat Sampling and Reporting.

If sampling performed by an Industrial User indicates a violation, the Industrial User must notify the Director within 24 hours of becoming aware of the violation. The Industrial User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within 30 days after becoming aware of the violation. Resampling by the Industrial User is not required if the city performs sampling at the Industrial User's facility at least once a month, or if the city performs sampling at the Industrial User between the time when the initial sampling was conducted and the time when the Industrial User or the city receives the results of this sampling, or if the city has performed the sampling and analysis in lieu of the Industrial User. (Ord. 4987, 2015).

13.05.480 Notification of the Discharge of Hazardous Waste.

A. Any Industrial User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste

authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under [40 CFR Part 261](#). Such notification must include the name of the hazardous waste as set forth in [40 CFR Part 261](#), the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the Industrial User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this Paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under MMC [13.05.440](#). The notification requirement in this section does not apply to pollutants already reported by Industrial Users subject to Categorical Pretreatment Standards under the self monitoring requirements of MMC [13.05.400](#), [13.05.420](#), and [13.05.430](#).

B. Dischargers are exempt from the requirements of Paragraph A, above, during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in [40 CFR 261.30\(d\)](#) and [261.33\(e\)](#). Discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in [40 CFR 261.30\(d\)](#) and [261.33\(e\)](#), requires a one-time notification. Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.

C. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User must notify the Director, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

D. In the case of any notification made under this section, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable federal or state law. (Ord. 4987, 2015).

13.05.490 Analytical Requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in [40 CFR Part 136](#) and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard. If [40 CFR Part 136](#) does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Director or other parties approved by EPA. (Ord. 4987, 2015).

13.05.491 Sample Collection.

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

A. Except as indicated in subsections [B](#) and [C](#) of this section, the Industrial User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Director. Where time-proportional composite sampling or grab sampling is authorized by the city, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in [40 CFR Part 136](#) and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as

documented in approved EPA methodologies may be authorized by the city, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

C. For sampling required in support of baseline monitoring and 90-day compliance reports required in MMC [13.05.400](#) and [13.05.420](#) in accordance with [40 CFR 403.12\(b\)](#) and [\(d\)](#), a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Director may authorize a lower minimum. For the reports required by paragraphs in MMC [13.05.430](#) in accordance with [40 CFR 403.12\(e\)](#) and [403.12\(h\)](#), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable pretreatment standards and requirements. (Ord. 4987, 2015).

13.05.492 Date of Receipt of Reports.

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern. (Ord. 4987, 2015).

13.05.493 Recordkeeping.

Industrial Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the Industrial User independent of such requirements, and documentation associated with Best Management Practices established under MMC [13.05.010\(C\)](#). Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three

years. This period shall be automatically extended for the duration of any litigation concerning the Industrial User or the city, or where the Industrial User has been specifically notified of a longer retention period by the Director. (Ord. 4987, 2015).

13.05.494 Certification Statements.

A. *Certification of Permit Applications, Industrial User Reports and Initial Monitoring Waiver.* The following certification statement is required to be signed and submitted by Industrial Users submitting permit applications in accordance with MMC [13.05.260](#); Industrial Users submitting baseline monitoring reports under MMC [13.05.400\(B\)\(5\)](#). [Note: See [40 CFR 403.12\(b\)](#)]; Industrial Users submitting reports on compliance with the Categorical Pretreatment Standard deadlines under MMC [13.05.420](#) [Note: See [40 CFR 403.12\(d\)](#)]; Industrial Users submitting periodic compliance reports required by MMC [13.05.430\(A\)](#) through [\(D\)](#). [Note: See [40 CFR 403.12\(e\)](#) and [\(h\)](#)]; and Industrial Users submitting an initial request to forego sampling of a pollutant on the basis of MMC [13.05.430\(B\)\(4\)](#). [Note: See [40 CFR 403.12\(e\)\(2\)\(iii\)](#)]. The following certification statement must be signed by an authorized representative as defined in MMC [13.04.040\(A\)\(3\)](#).

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

B. *Certification of Pollutants Not Present.* Industrial Users that have an approved monitoring waiver based on MMC [13.05.430\(B\)](#) must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User. [Note: See [40 CFR 403.12\(e\)\(2\)\(v\)](#)]

Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for [40 CFR _____](#) [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____

[list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under MMC [13.05.430\(A\)](#).

(Ord. 4987, 2015).

Compliance Monitoring

13.05.500 Right of Entry: Inspection and Sampling.

The Director shall have the right to enter the premises of any Industrial User to determine whether the Industrial User is complying with all requirements of this ordinance and any industrial wastewater discharge permit or order issued hereunder. Industrial Users shall allow the Director ready access to all parts of the premises for the purposes of inspection, sampling, photographing, records examination and copying, and the performance of any additional duties.

- A. Where an Industrial User has security measures in force which require proper identification and clearance before entry onto its premises, the Industrial User shall make necessary arrangements with security so that, upon presentation of proper identification, the Director shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Director shall have the right to set up on the Industrial User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the Industrial User's operations.
- C. The Director may require the Industrial User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the Industrial User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at manufactures required frequency to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the Industrial User at the written or

verbal request of the Director and shall not be replaced. The costs of clearing such access shall be borne by the Industrial User.

E. Unreasonable delays in allowing the Director access to the Industrial User's premises shall be a violation of this ordinance. (Ord. 4987, 2015).

13.05.510 Search Warrants.

If the Director has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Director may seek issuance of a search warrant through the city Attorney. (Ord. 4987, 2015).

Confidential Information

13.05.600 Confidential Information.

Information and data on a Industrial User obtained from reports, surveys, wastewater discharge permit applications, industrial wastewater discharge permits, general permits, and monitoring programs, and from the Director's inspection and sampling activities, shall be available to the public without restriction, unless the Industrial User specifically requests in writing, and is able to demonstrate to the satisfaction of the Director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the Industrial User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to

governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at [40 CFR 2.302](#) shall not be recognized as confidential information and shall be available to the public without restriction. (Ord. 4987, 2015).

Publication of Industrial Users in Significant Noncompliance

13.05.700 Significant Noncompliance.

The Director shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Industrial Users which, at any time during the previous 12 months, were in Significant Noncompliance with applicable pretreatment standards and requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates subsection [C](#), [D](#), or [H](#) of this section) and shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all the measurements taken for the same pollutant parameter taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in MMC [13.04.040\(A\)\(49\)](#);
- B. Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by MMC [13.04.040\(A\)\(49\)](#), multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a pretreatment standard or requirement that the Director determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

-
- D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Director exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in an industrial wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within 45 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s), which may include a violation of Best Management Practices, which the Director determines will adversely affect the operation or implementation of the pretreatment program. (Ord. 4987, 2015).

Administrative Enforcement Remedies

13.05.800 Notification of Violation.

When the Director finds that an Industrial User has violated, or continues to violate, any provision of this ordinance, an industrial wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director may serve upon that Industrial User a written Notice of Violation. Within five days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the Industrial User to the Director. Submission of such a plan in no way relieves the Industrial User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, even if a Notice of Violation has not been issued. (Ord. 4987, 2015).

13.05.810 Consent Orders.

The Director may enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with any Industrial User responsible for noncompliance. Such documents shall include specific action to be taken by the Industrial User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to MMC [13.05.830](#) and [13.05.840](#) and shall be judicially enforceable. (Ord. 4987, 2015).

13.05.820 Show Cause Hearing.

The Director may order an Industrial User which has violated, or continues to violate, any provision of this ordinance, an industrial wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the Industrial User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the Industrial User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally, by registered or certified mail (return receipt requested), or by traceable carrier at least 10 days prior to the hearing. Such notice may be served on any authorized representative of the Industrial User as defined in MMC [13.04.040\(A\)\(3\)](#) and required by MMC [13.05.260\(A\)](#). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the Industrial User. (Ord. 4987, 2015).

13.05.830 Compliance Orders.

When the Director finds that an Industrial User has violated, or continues to violate, any provision of this ordinance, an industrial or general wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director may issue an order to the Industrial User responsible for the discharge directing that the Industrial User come into compliance within a specified time. If the Industrial User does not come into compliance within the time provided, sewer service may be discontinued unless adequate

treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the Industrial User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the Industrial User. (Ord. 4987, 2015).

13.05.840 Cease and Desist Orders.

When the Director finds that an Industrial User has violated, or continues to violate, any provision of this ordinance, an industrial wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, or that the Industrial User's past violations are likely to recur, the Director may issue an order to the Industrial User directing it to cease and desist all such violations and directing the Industrial User to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the Industrial User. (Ord. 4987, 2015).

13.05.850 Administrative Fines.

A. When the Director finds that an Industrial User has violated, or continues to violate, any provision of this ordinance, an industrial wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director may fine such Industrial User in an amount up to and including \$1,000.00. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

- B. Unpaid charges, fines, and penalties shall, after 60 calendar days, be assessed an additional interest at 9 percent APR of the unpaid balance per month. A lien against the Industrial User's property may be sought for unpaid charges, fines, and penalties.
- C. Industrial Users desiring to dispute such fines must file a written request for the Director to reconsider the fine along with full payment of the fine amount within 30 days of receiving the fine. Where a request has merit, the Director may convene a hearing on the matter. In the event the Industrial User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the Industrial User. The Director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the Industrial User. (Ord. 4987, 2015).

13.05.860 Emergency Suspensions.

The Director may immediately suspend a Industrial User's discharge, after informal notice to the Industrial User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Director may also immediately suspend an Industrial User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- A. Any Industrial User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of an Industrial User's failure to immediately comply voluntarily with the suspension order, the Director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director may allow the Industrial User to recommence its discharge when the Industrial User has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings in MMC [13.05.870](#) are initiated against the Industrial User.
- B. An Industrial User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the

harmful contribution and the measures taken to prevent any future occurrence, to the Director prior to the date of any show cause or termination hearing under MMC [13.05.820](#) or [13.05.870](#)

Nothing in this section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this section. (Ord. 4987, 2015).

13.05.870 Termination of Discharge.

In addition to the provisions in MMC [13.05.350](#), any Industrial User who violates the following conditions is subject to discharge termination:

- A. Violation of industrial wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the Industrial User's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the pretreatment standards in MMC [13.05.010](#).

Such Industrial User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under MMC [13.05.820](#) why the proposed action should not be taken. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the Industrial User. (Ord. 4987, 2015).

Judicial Enforcement Remedies

13.05.900 Injunctive Relief.

When the Director finds that a Industrial User has violated, or continues to violate, any provision of this ordinance, an industrial wastewater discharge permit, or order issued

hereunder, or any other pretreatment standard or requirement, the Director may petition the Circuit Court for Yamhill County through the city Attorney for the issuance of a temporary or permanent injunction or restraining order, as appropriate, which restrains or compels the specific performance of the industrial wastewater discharge permit, the general permit, order, or other requirement imposed by this ordinance on activities of the Industrial User. The Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the Industrial User to conduct environmental remediation. A petition for injunctive relief or for a restraining order shall not be a bar against, or a prerequisite for, taking any other action against an Industrial User. (Ord. 4987, 2015).

13.05.910 Civil Penalties.

- A. An Industrial User who has violated, or continues to violate, any provision of this ordinance, an industrial wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the city for a maximum civil penalty allowed under state law but not less than \$1,000.00 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The Director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by [the city].
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the Industrial User's violation, corrective actions by the Industrial User, the compliance history of the Industrial User, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against an Industrial User. (Ord. 4987, 2015).

13.05.920 Criminal Prosecution.

- A. An Industrial User who willfully or negligently violates any provision of this ordinance, an industrial wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of an unclassified misdemeanor, punishable by a fine of not more than \$1,000.00 per violation, per day, or imprisonment for not more than one year, or both.
- B. An Industrial User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of an unclassified misdemeanor and be subject to a penalty of at least \$1,000.00, or be subject to imprisonment for not more than one year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.
- C. An Industrial User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, industrial wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than \$1,000.00 per violation, per day, or imprisonment for not more than one year, or both.
- D. In the event of a second conviction, an Industrial User shall be punished by a fine of not more than \$3,000.00 per violation, per day, or imprisonment for not more than three years, or both. (Ord. 4987, 2015).

13.05.930 Remedies Nonexclusive.

The remedies provided for in this ordinance are not exclusive. The Director may take any, all, or any combination of these actions against a noncompliant Industrial User. Enforcement of pretreatment violations will generally be in accordance with [the city's] enforcement response plan. However, the Director may take other action against any Industrial User when the circumstances warrant. Further, the Director is empowered to take more than one enforcement action against any noncompliant Industrial User. (Ord. 4987, 2015).

Supplemental Enforcement Action

13.05.1030 Payment of Outstanding Fees and Penalties.

The Director may decline to issue or reissue an industrial wastewater discharge permit to any Industrial User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this ordinance, a previous industrial wastewater discharge permit, or a previous general permit, or order issued hereunder. (Ord. 4987, 2015).

Affirmative Defenses to Discharge Violations

13.05.2000 Upset.

A. For the purposes of this section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

B. An upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the requirements of Paragraph C., below, are met.

C. An Industrial User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and the Industrial User can identify the cause(s) of the upset;
2. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

3. The Industrial User has submitted the following information to the Director within 24 hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five days]:

- a. A description of the indirect discharge and cause of noncompliance;
- b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
- c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

D. In any enforcement proceeding, the Industrial User seeking to establish the occurrence of an upset shall have the burden of proof.

E. Industrial Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with Categorical Pretreatment Standards.

F. Industrial Users shall control production of all discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails. (Ord. 4987, 2015).

13.05.2010 Prohibited Discharge Standards.

An Industrial User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in MMC [13.05.010\(A\)](#) or the specific prohibitions in MMC [13.05.010\(B\)\(3\)](#) through [\(B\)\(18\)](#) if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

A. A Local Limit exists for each pollutant discharged and the Industrial User was in compliance with each limit directly prior to, and during, the pass through or interference; or

B. No Local Limit exists, but the discharge did not change substantially in nature or constituents from the Industrial User's prior discharge when the city was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable biosolids use or disposal requirements. (Ord. 4987, 2015).

13.05.2020 Bypass.

A. For the purposes of this section,

1. Bypass means the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.
2. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. An Industrial User may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections [C](#) and [D](#) of this section.

C. *Bypass Notifications.*

1. If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the Director, at least 10 days before the date of the bypass, if possible.
2. An Industrial User shall submit oral notice to the Director of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent

reoccurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

D. *Bypass.*

1. Bypass is prohibited, and the Director may take an enforcement action against an Industrial User for a bypass, unless
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - c. The Industrial User submitted notices as required under subsection [C](#) of this section.
2. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in subsection [\(D\)\(1\)](#) of this section.

Miscellaneous Provisions

13.05.3010 Severability.

If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect. (Ord. 4987, 2015).

13.05.3020 Water Supply Severance.

Whenever a user has violated or continues to violate any provision of this title, an individual wastewater discharge permit, general permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will recommence, at the user's expense, only after the user has satisfactorily demonstrated its ability to comply. (Ord. 4987, 2015).

This is a nonfinal proof copy of the McMinnville Municipal Code for customer review only. It should not be relied upon for any purpose.

The McMinnville Municipal Code is current through Ordinance 5111, passed March 8, 2022.

Disclaimer: The city recorder's office has the official version of the McMinnville Municipal Code. Users should contact the city recorder's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

[City Telephone: \(503\) 434-2342](tel:(503)434-2342)

[Hosted by General Code.](#)

Chapter 13.07

SANITARY SEWERS – BUILDING SEWER MAINTENANCE AND REPAIR

Sections:

- 13.07.010 Authority.
- 13.07.020 Standard of Maintenance.
- 13.07.030 Application within City.
- 13.07.040 Responsibility for building Sewer Preventive and Corrective Maintenance.
- 13.07.050 Responsibility for building Sewer Structural Maintenance.
- 13.07.060 Projects to Address High Inflow / Infiltration (I/I) Flows.
- 13.07.070 Inspection of building Sewers.
- 13.07.080 Notice of Defects and Required Corrections.
- 13.07.090 Repair of Defects.
- 13.07.100 Enforcement and Remedies.
- 13.07.110 Incentives for Timely Completion of Repairs.
- 13.07.120 Financial Assistance.

13.07.010 Authority.

The standards and criteria contained in this chapter for the identification, prevention, and removal of infiltration and inflow are based upon the authority of MMC [13.04.010](#) and [13.04.020](#). (Ord. 4987, 2015).

13.07.020 Standard of Maintenance.

All property owners shall be responsible to maintain the building sewer serving their property in a condition free from defects, as provided in this chapter. (Ord. 4987, 2015).

13.07.030 Application within City.

These rules shall apply throughout the city to all areas served by the public sanitary sewer collection system. (Ord. 4987, 2015).

13.07.040 Responsibility for building Sewer Preventive and Corrective Maintenance.

All building sewer preventive and corrective maintenance activities outside the publicly owned right-of-way or easement shall be the responsibility of the property owner. (Ord. 4987, 2015).

13.07.050 Responsibility for building Sewer Structural Maintenance.

Structural maintenance of the portion of the building sewer on private property outside the publicly owned right-of-way or easement shall be the responsibility of the owner of the property served by the building sewer. (Ord. 4987, 2015).

13.07.060 Projects to Address High Inflow / Infiltration (I/I) Flows.

Projects shall be defined by the Director and will include those located in basins of the sanitary sewer system as identified by the city's adopted Conveyance System Master Plan as high flow basins, and such other areas as the Director may designate or by inclusion within the city's Capital Improvement Plan for system repair and/or replacement projects to reduce inflow and infiltration. (Ord. 4987, 2015).

13.07.070 Inspection of building Sewers.

A. *Inspection and Investigation Methods.* The city may at any time inspect and investigate the condition of building sewers using:

1. Flow monitoring
2. Television inspection
3. Smoke testing
4. Dye testing
5. Air or water pressure tests
6. Exfiltration tests
7. Direct visual observation of material or function
8. Indirect measurement

9. Other appropriate methods

Investigation and inspection may additionally include public sewer mains and manholes. Investigation and inspection methods shall not be harmful to the operation of the system and may be used to identify, verify, and quantify locations and amounts of infiltration and inflow into the sanitary sewer system. The city shall determine the scope and methods to be used for the portion of the system to be inspected.

B. *Inspection and Investigation Notice.*

1. *Notice to property owners.* Where inspection or investigation methods such as building sewer television inspection or location require physical entry onto private property by city staff and equipment, the city shall obtain permission to perform the inspection from the owner. If the property owner refuses to allow the city to enter the property, the city may obtain an administrative search warrant. Notice shall also be given to any occupants as provided in MMC [13.07.070\(B\)\(2\)](#).

2. *Notice to occupants.* Where investigation methods such as smoke testing are used that may impact structures or their occupants, the city shall attempt to notify occupants prior to performing the investigation and inform them of any precautions they may wish to take to reduce potential inconvenience to themselves or the property. The city shall not be required to notify property owners of inspections or investigations which do not require staff or equipment to enter the property. In addition, notice shall be given by door hangers or personal contact, and may be given by general press release. (Ord. 4987, 2015).

13.07.080 Notice of Defects and Required Corrections.

Where inspection or investigation reveals defects in the building sewer on private property outside the city's right-of-way, no further proof is needed for the city to require the building sewer be replaced to current standards. The property owner shall be required to correct the defects or pay a penalty in accordance with this chapter. The city shall inform the property owner in writing of the type and location of the defect and of the time in which correction of the defect is required. If the owner and sewer user of the building sewer elects to dispute the opinion of the city, the owner may test the service at their own expense in the presence of the city. The test shall meet the requirements of the Oregon Plumbing Specialty Code (OPSC) and any other city standards that may apply. The results of the test will be the basis of the final replacement decision. If it is determined the building sewer is not defective, the city shall reimburse the property owner for the reasonable cost of the test.

A. *Permit Required.* Any person intending to perform structural maintenance work on a building sewer may do so only after obtaining all city and other required permits.

B. *Notice of Completion of Repairs.* The property owner shall notify the city that the permitted corrections have been completed and shall request an inspection from the city. The city retains the right to require additional information from the property owner and to inspect the correction or repair to assure that it has been

done in accordance with all applicable rules and codes. If the repair is found to be inadequate, the city shall notify the owner and the owner shall make the necessary corrections. The city shall notify the property owner of acceptance of the repair.

C. *Notice of Defects – Correction Not Required.* Where inspection or investigation reveals apparent flaws in a structure’s interior plumbing (building drain) which do not contribute infiltration or inflow to the sanitary sewer system, the city may, but is not required to, inform the property owner of the type and location of such flaws, if known. (Ord. 4987, 2015).

13.07.090 Repair of Defects.

A. The city shall determine the schedule for its sewer main and/or lateral structural maintenance work in designated rehabilitation areas and may perform work with its crews or by contract according to that schedule. Nothing in this chapter shall require the city to modify its structural maintenance schedule or compensate property owners for structural maintenance work performed ahead of the city’s schedule.

B. If, when performing structural maintenance on a lateral, the city discovers that the condition, location, or material of the existing building sewer pipe is such that a structurally sound connection at the right-of-way line can not be made without further repair or replacement on private property, the city shall make a temporary connection, document the nature of the defect, and secure the excavation area. The city shall provide written notice to the property owner of the existence of the building sewer defect and temporary connection. Unless the excavation area is a public safety hazard, the notice shall provide a time certain not less than five nor more than 10 days for the property owner to complete the required repair on private property. Upon expiration of such time, the city may backfill the excavation area. The city shall not be required to correct defects or perform building sewer repair work on private property, nor shall it be responsible for any additional cost to the property owner due to failure to perform repairs within the time specified in the notice.

C. *Spot Repairs.* If the investigation shows only a portion of the building sewer is defective, the owner may elect to perform a spot repair. Spot repairs are limited to cast iron, ABS, CIPP, HDPE and PVC pipe material only. Upon completion of the repair, the building sewer shall be tested and must pass the requirements of the OPSC and city standards. Tests for spot repairs are at the property owner’s expense and are not reimbursable. (Ord. 4987, 2015).

13.07.100 Enforcement and Remedies.

A. *Civil Penalty.* Failure to take action to correct identified defects as required in these rules shall be deemed to be a public nuisance and a violation of city ordinances for such nuisances. For any failure to correct defects

in a privately owned or maintained building sewer the schedule of civil penalties shall be as provided in this subsection, following mailing or posting a notice of defect to the property owner.

1. *Grace Period.* For 180 days following notice to the property owner, no civil penalties shall be assessed.

2. *Lien Period.* If, after 180 days following notice to the property owner, the identified defects have not been corrected to the satisfaction of the City Engineer, the City will file a “suspended” lien on the property, which lien shall have no value. Such lien will remain suspended for 12 months.

3. *Penalty Period.* If, after 12 months following the end of the grace period, the identified defects have not been corrected to the satisfaction of the City Engineer, the City will assess civil penalties. Assessed penalties will be calculated at \$100.00 per month, per EDU from the end of the grace period to the beginning of the penalty period, with an additional \$100.00 per month, per EDU, added every month thereafter. Upon assessment of civil penalties, the lien will be updated to remove the suspension and reflect the outstanding balance of unpaid civil penalties.

4. *Transfer of Ownership.* If the property changes ownership and the identified defects have not been corrected to the satisfaction of the City Engineer, the outstanding balance of assessed civil penalties must be satisfied by the seller at or before closing, as well as a notarized Stipulated Agreement from the purchaser, allowing the lien to be removed. The Stipulated Agreement shall inform the purchaser of the defect and that they have 180 days to correct the defect to the satisfaction of the City Engineer, or a lien will be issued and penalties may be assessed according to the schedule in this subsection.

B. *Other Remedies.* Any civil penalty imposed under these rules shall be in addition to the collection of the regular sewer service fee or charge and any other fines, penalties, damages, or legal remedies available to the city. (Ord. 4987, 2015).

13.07.110 Incentives for Timely Completion of Repairs.

A. Subject to budgetary limitations established by the city council, the city may offer a monetary incentive as provided in this section to encourage property owners to make the required repairs quickly and to help offset the cost of the repairs. The city shall not be required to offer or continue the incentive program, except as authorized by the city council.

B. The incentive program, if offered, shall apply to the grace period following the date of the notice of defect. If the property owner has requested an inspection, but the inspection authority is unable to perform the inspection within the time limits, the date of the documented inspection request shall be used to determine the amount of the incentive.

C. The city may approve and make payments to the property owners completing repair of defects as provided in this section. If repairs are completed and accepted within the grace period, the property owner shall be eligible for a monetary incentive equal to 10 percent of the pipe repair costs up to a maximum limit of \$500.00 per EDU. Eligible repair costs are limited to those costs for pipe material, excavation and burying pipe in the soil between the building and the connection to the lateral. This specifically excludes landscape repairs, sidewalk repairs, driveway repairs and other repair costs incidental to replacing the pipe in the ground.

D. Any property owner requesting a monetary incentive payment as provided in this section shall submit a complete application to the city no later than 60 days following inspection and acceptance of the repair by the city. A complete application shall include: the name and address of the owner, and certification by the applicant that repairs were not paid for by a renter, lessor, or any other person. (Ord. 4987, 2015).

13.07.120 Financial Assistance.

Upon application by a property owner required to repair a building sewer as required by this chapter, the city finance director is granted authority to enter into a contract with the property owner for installment payments on the following basis:

A. The property owner shall select a licensed contractor to complete the required work and provide the city with a cost estimate of the work to be completed.

B. Prior to authorizing the contractor to proceed with the work, the property owner shall meet with the city finance director and sign an application and agreement to pay the repair costs based on the estimate plus 25 percent. The application for installment payments shall be on the prescribed form and shall constitute a lien upon the property.

C. The application shall provide for a monthly payment for a period not to exceed 24 months. Interest shall accrue on the balance due at the prime interest rate plus 3 and 1/2 percent.

D. At the time of completion and inspection of the repair work, the city shall make payment to the property owner and contractor based on the actual billing submitted to the owner by the contractor and adjust the monthly installment payment to reflect the actual cost. (Ord. 4987, 2015).

Chapter 13.07

SANITARY SEWERS – BUILDING SEWER MAINTENANCE AND REPAIR

Sections:

- 13.07.010 Authority.
- 13.07.020 Standard of Maintenance.
- 13.07.030 Application within City.
- 13.07.040 Responsibility for building Sewer Preventive and Corrective Maintenance.
- 13.07.050 Responsibility for building Sewer Structural Maintenance.
- 13.07.060 Projects to Address High Inflow / Infiltration (I/I) Flows.
- 13.07.070 Inspection of building Sewers.
- 13.07.080 Notice of Defects and Required Corrections.
- 13.07.090 Repair of Defects.
- 13.07.100 Enforcement and Remedies.
- 13.07.110 Incentives for Timely Completion of Repairs.
- 13.07.120 Financial Assistance.

13.07.010 Authority.

The standards and criteria contained in this chapter for the identification, prevention, and removal of infiltration and inflow are based upon the authority of MMC [13.04.010](#) and [13.04.020](#). (Ord. 4987, 2015).

13.07.020 Standard of Maintenance.

All property owners shall be responsible to maintain the building sewer serving their property in a condition free from defects, as provided in this chapter. (Ord. 4987, 2015).

13.07.030 Application within City.

These rules shall apply throughout the city to all areas served by the public sanitary sewer collection system. (Ord. 4987, 2015).

13.07.040 Responsibility for building Sewer Preventive and Corrective Maintenance.

All building sewer preventive and corrective maintenance activities outside the publicly owned right-of-way or easement shall be the responsibility of the property owner. (Ord. 4987, 2015).

13.07.050 Responsibility for building Sewer Structural Maintenance.

Structural maintenance of the portion of the building sewer on private property outside the publicly owned right-of-way or easement shall be the responsibility of the owner of the property served by the building sewer. (Ord. 4987, 2015).

13.07.060 Projects to Address High Inflow / Infiltration (I/I) Flows.

Projects shall be defined by the Director and will include those located in basins of the sanitary sewer system as identified by the city’s adopted Conveyance System **Master Plan** as high flow basins, and such other areas as the Director may designate or by inclusion within the city’s Capital Improvement **Plan** for system repair and/or replacement projects to reduce inflow and infiltration. (Ord. 4987, 2015).

- Formatted: Font: Bold, Underline
- Formatted: Font: Bold, Underline, Font color: Red
- Formatted: Font: Bold, Underline
- Formatted: Font: Bold, Underline

13.07.070 Inspection of building Sewers.

A. *Inspection and Investigation Methods.* The city may at any time inspect and investigate the condition of building sewers using:

1. Flow monitoring
2. Television inspection
3. Smoke testing
4. Dye testing
5. Air or water pressure tests
6. Exfiltration tests
7. Direct visual observation of material or function
8. Indirect measurement

9. Other appropriate methods

Investigation and inspection may additionally include public sewer mains and manholes. Investigation and inspection methods shall not be harmful to the operation of the system and may be used to identify, verify, and quantify locations and amounts of infiltration and inflow into the sanitary sewer system. The city shall determine the scope and methods to be used for the portion of the system to be inspected.

B. *Inspection and Investigation Notice.*

1. *Notice to property owners.* Where inspection or investigation methods such as building sewer television inspection or location require physical entry onto private property by city staff and equipment, the city shall obtain permission to perform the inspection from the owner. If the property owner refuses to allow the city to enter the property, the city may obtain an administrative search warrant. Notice shall also be given to any occupants as provided in MMC [13.07.070\(B\)\(2\)](#).

2. *Notice to occupants.* Where investigation methods such as smoke testing are used that may impact structures or their occupants, the city shall attempt to notify occupants prior to performing the investigation and inform them of any precautions they may wish to take to reduce potential inconvenience to themselves or the property. The city shall not be required to notify property owners of inspections or investigations which do not require staff or equipment to enter the property. In addition, notice shall be given by door hangers or personal contact, and may be given by general press release. (Ord. 4987, 2015).

13.07.080 Notice of Defects and Required Corrections.

Where inspection or investigation reveals defects in the building sewer on private property outside the city's right-of-way, no further proof is needed for the city to require the building sewer be replaced to current standards. The property owner shall be required to correct the defects or pay a penalty in accordance with this chapter. The city shall inform the property owner in writing of the type and location of the defect and of the time in which correction of the defect is required. If the owner and sewer user of the building sewer elects to dispute the opinion of the city, the owner may test the service at their own expense in the presence of the city. The test shall meet the requirements of the Oregon ~~State~~ Plumbing Specialty Code (OSPSC) and any other city standards that may apply. The results of the test will be the basis of the final replacement decision. If it is determined the building sewer is not defective, the city shall reimburse the property owner for the reasonable cost of the test.

A. *Permit Required.* Any person intending to perform structural maintenance work on a building sewer may do so only after obtaining all city and other required permits.

B. *Notice of Completion of Repairs.* The property owner shall notify the city that the permitted corrections have been completed and shall request an inspection from the city. The city retains the right to require additional information from the property owner and to inspect the correction or repair to assure that it has been

done in accordance with all applicable rules and codes. If the repair is found to be inadequate, the city shall notify the owner and the owner shall make the necessary corrections. The city shall notify the property owner of acceptance of the repair.

C. *Notice of Defects – Correction Not Required.* Where inspection or investigation reveals apparent flaws in a structure’s interior plumbing (building drain) which do not contribute infiltration or inflow to the sanitary sewer system, the city may, but is not required to, inform the property owner of the type and location of such flaws, if known. (Ord. 4987, 2015).

13.07.090 Repair of Defects.

A. The city shall determine the schedule for its sewer main and/or lateral structural maintenance work in designated rehabilitation areas and may perform work with its crews or by contract according to that schedule. Nothing in this chapter shall require the city to modify its structural maintenance schedule or compensate property owners for structural maintenance work performed ahead of the city’s schedule.

B. If, when performing structural maintenance on a lateral, the city discovers that the condition, location, or material of the existing building sewer pipe is such that a structurally sound connection at the right-of-way line can not be made without further repair or replacement on private property, the city shall make a temporary connection, document the nature of the defect, and secure the excavation area. The city shall provide written notice to the property owner of the existence of the building sewer defect and temporary connection. Unless the excavation area is a public safety hazard, the notice shall provide a time certain not less than five nor more than 10 days for the property owner to complete the required repair on private property. Upon expiration of such time, the city may backfill the excavation area. The city shall not be required to correct defects or perform building sewer repair work on private property, nor shall it be responsible for any additional cost to the property owner due to failure to perform repairs within the time specified in the notice.

C. *Spot Repairs.* If the investigation shows only a portion of the building sewer is defective, the owner may elect to perform a spot repair. Spot repairs are limited to ~~concrete~~, cast iron, **ABS, CIPP, HDPE** and PVC pipe material only. Upon completion of the repair, the building sewer shall be tested and must pass the requirements of the ~~OSPS~~ **OPSC** and city standards. Tests for spot repairs are at the property owner’s expense and are not reimbursable. (Ord. 4987, 2015).

- Formatted: Font color: Red, Not Highlight
- Formatted: Font: Bold, Underline
- Formatted: Font color: Red, Not Highlight
- Formatted: Font color: Red, Not Highlight

13.07.100 Enforcement and Remedies.

A. *Civil Penalty.* Failure to take action to correct identified defects as required in these rules shall be deemed to be a public nuisance and a violation of city ordinances for such nuisances. For any failure to correct defects in a privately owned or maintained building sewer the schedule of civil penalties shall be as provided in this

subsection, following mailing or posting a notice of defect to the property owner. Penalties shall be assessed beginning at the end of a 90 ~~180~~ calendar day grace period following mailing or posting a notice of defect to the property owner. The civil penalty schedule shall be \$50.00 ~~\$100.00 per month~~ per EDU, subject to any extensions or suspensions that the city may approve pursuant to these rules:

~~1. Suspension of penalty collection. If the property owner requests it, The city may will suspend collection of penalties for up to 10 12 months to allow the property owner additional time to make the required repair. Penalties will continue to accrue during the suspension period. If corrective action has not been taken within the 10 12 month suspension period, all accrued penalties shall become due and payable on the first day of the first month following the suspension period and monthly thereafter. The suspension of penalty period will not be available to property owners with direct connection defects only. During the suspended with no value The monthly penalty will be assessed for the lien will be updated to remove the suspension and add accrued during the suspension period for each subsequent month until the lateral has been replaced. ... allowing the lien to be~~

1. Grace Period. For 180 days following notice to the property owner, no civil penalties shall be assessed.

2. Lien Period. If, after 180 days following notice to the property owner, the identified defects have not been corrected to the satisfaction of the City Engineer, the City will file a “suspended” lien on the property, which lien shall have no value. Such lien will remain suspended for 12 months.

3. Penalty Period. If, after 12 months following the end of the grace period, the identified defects have not been corrected to the satisfaction of the City Engineer, the City will assess civil penalties. Assessed penalties will be calculated at \$100.00 per month, per EDU from the end of the grace period to the beginning of the penalty period, with an additional \$100.00 per month, per EDU, added every month thereafter. Upon assessment of civil penalties, the lien will be updated to remove the suspension and reflect the outstanding balance of unpaid civil penalties.

4. Transfer of Ownership. If the property changes ownership and the identified defects have not been corrected to the satisfaction of the City Engineer, the outstanding balance of assessed civil penalties must be satisfied by the seller at or before closing, as well as a notarized Stipulated Agreement from the purchaser, allowing the lien to be removed. The Stipulated Agreement shall inform the purchaser of the defect and that they have 180 days to correct the defect to the satisfaction of the City Engineer, or a lien will be issued and penalties may be assessed according to the schedule in this subsection.

B. *Other Remedies.* Any civil penalty imposed under these rules shall be in addition to the collection of the regular sewer service fee or charge and any other fines, penalties, damages, or legal remedies available to the city. (Ord. 4987, 2015).

Commented [DL1]: It seems as though the lien would have already been placed—just “suspended.” Is there a more appropriate term for withdrawing the suspension?

Commented [MB2R1]: Confirm what the lien is considered after pending. Active? Ex. - “If the lateral has not been replaced within the suspension period, the pending lien will become active on the property with the ...”?

Commented [JC3R1]: I’d say file a “suspended” lien with \$0 value. It would probably be helpful to have a graphic of what you want to have happen each month with penalty and lien for these situations: 1. grace period 2. suspension period, 3. people who do work after suspension period ends 4. people who don’t do the DPSL so we’re all clear what these words mean.

Commented [MB4R1]: Let’s discuss this process. I propose the following: 1. Grace Period - No lien 2. Suspension Period - Suspended lien with no value 3. At completion of Suspension Period - \$1,200.00 per EDU balance added to lien 4. Each month after Suspension Period until replaced - Additional \$100 per EDU added to balance of lien.

Commented [DL5]: By whom?

Commented [MB6R5]: I’m assuming the lien will be paid as part of the sale of the property and removed by the City?

Commented [JC7R5]: Can add “at or before closing” maybe?

Commented [MB8R5]: Comments added

Formatted: Indent: Left: 0", Space Before: 10.5 pt

13.07.110 Incentives for Timely Completion of Repairs.

A. Subject to budgetary limitations established by the city council, the city may offer a monetary incentive as provided in this section to encourage property owners to make the required repairs quickly and to help offset the cost of the repairs. The city shall not be required to offer or continue the incentive program, except as authorized by the city council.

B. The incentive program, if offered, shall apply to the grace period following the date of the notice of defect. If the property owner has requested an inspection, but the inspection authority is unable to perform the inspection within the time limits, the date of the documented inspection request shall be used to determine the amount of the incentive.

C. The city may approve and make payments to the property owners completing repair of defects as provided in this section. If repairs are completed and accepted within the grace period, the property owner shall be eligible for a ~~maximum~~ monetary incentive equal to 10 percent of the pipe repair costs up to a maximum limit of ~~\$250.00~~ **\$500.00 per EDU**. Eligible repair costs are limited to those costs for pipe material, excavation and burying pipe in the soil between the building and the connection to the lateral. This specifically excludes landscape repairs, sidewalk repairs, driveway repairs and other repair costs incidental to replacing the pipe in the ground.

D. Any property owner requesting a monetary incentive payment as provided in this section shall submit a complete application to the city no later than 60 days following inspection and acceptance of the repair by the city. A complete application shall include: the name and address of the owner, and certification by the applicant that repairs were not paid for by a renter, lessor, or any other person. (Ord. 4987, 2015).

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red, Not Highlight

13.07.120 Financial Assistance.

Upon application by a property owner required to repair a building sewer as required by this chapter, the city finance director is granted authority to enter into a contract with the property owner for installment payments on the following basis:

A. The property owner shall select a licensed contractor to complete the required work and provide the city with a cost estimate of the work to be completed.

B. Prior to authorizing the contractor to proceed with the work, the property owner shall meet with the city finance director and sign an application and agreement to pay the repair costs based on the estimate plus 25 percent. The application for installment payments shall be on the prescribed form and shall constitute a lien upon the property.

C. The application shall provide for a monthly payment for a period not to exceed 24 months. Interest shall accrue on the balance due at the prime interest rate plus 3 and 1/2 percent.

D. At the time of completion and inspection of the repair work, the city shall make payment to the property owner and contractor based on the actual billing submitted to the owner by the contractor and adjust the monthly installment payment to reflect the actual cost. (Ord. 4987, 2015).

Chapter 13.08

SANITARY SEWERS SYSTEM DEVELOPMENT CHARGES – CONNECTION FEES

Sections:

- 13.08.010 Permit – Required.
- 13.08.020 Permit – Application – Issuance Conditions and Enforcement.
- 13.08.030 Connection Permit Duration and Forfeiture Upon Expiration.
- 13.08.040 New Service – Payment Guarantee.
- 13.08.050 System Development Charges – Designated – Method of Computation.
- 13.08.055 System Development Charge (SDC) – Credits.
- 13.08.060 Facility Development Fees – Designated – Method of Computation.
- 13.08.070 Sewer Construction plan Approval Required.
- 13.08.080 Unpaid Charges – Liens.
- 13.08.090 Unpaid Charges – Collection.
- 13.08.100 Disposition of Moneys.
- 13.08.110 Violation – Penalty – City Right to Redress.

13.08.010 Permit – Required.

Prior to connection of any building sewer to any lateral sewer or any sewer main the person desiring to make such connection shall receive a permit therefore from the city building Official and shall comply with all of the requirements of Chapters [13.04](#) through [13.12](#) MMC. (Ord. 4987, 2015).

13.08.020 Permit – Application – Issuance Conditions and Enforcement.

A. All applications for sewer connections under this chapter will be made to the city Building Official. The applicant shall furnish satisfactory evidence to the Building Official supporting the proposed land use and a plot plan of the area to be served by the proposed sanitary sewer, and shall meet all the requirements of Chapters [13.04](#) through [13.12](#) MMC. The Building Official may issue the permit, or refer the application to the Director for approval or disapproval. Thereupon the Director shall make an investigation and report, with their recommendation of their approval or disapproval. In the event such an application is rejected by the Director, such application may be appealed to the city council at its next regular meeting. A building permit shall not be issued until all applicable Systems Development Charges (SDC), Frontage Development Fees (FDF), and associated charges have been paid or application for to pay in installments has been approved by the finance

department as specified in Ordinance No. [4495](#) and Ordinance No. [4585](#). It shall be the duty of the Building Official to enforce the provisions of this chapter.

B. Sewer connection charges are those charged for any and all of the following:

1. Sewer connections to the city sewer system;
2. Change in the use of an existing connection, including but not limited to, building additions or expansions which include sanitary facilities; and
3. Substantial increase(s) in the flow or alteration of the character of wastewater to an existing connection.

C. It is the responsibility of the Building Official to notify the Director in writing whenever a land parcel or a structure falls within the classifications listed in subsection [B](#) of this section. The Director shall compute and file with the Building Official their findings in regard to this matter. (Ord. 4987, 2015).

13.08.030 Connection Permit Duration and Forfeiture Upon Expiration.

A sewer connection permit expires 180 days following its date of issuance. Failure to complete the sewer connection and obtain inspection and approval of such connection by the city, or designated approval authority, within 180 day period, or within any extension of time or reinstatement period as provided below, shall result in forfeiture of all connection fees paid and the nullification of the permit.

A. *Extensions of Time.* Upon submittal of a written request and fee (to be set by resolution) to the city prior to the expiration of the 180-day period described above, the city may, in its discretion grant an extension of time up to 30 days from the expiration date for good cause. Such request shall state the building permit number and the reason for the extension request. The request shall be signed by the property owner. Only one extension of time shall be allowed; thereafter, the property owner must apply for permit reinstatement.

B. *Reinstatement of Permit.* An expired connection permit may be reinstated upon showing of good cause for an additional 90-day period, provided the request for reinstatement has been made within 90 days of the original expiration date of the permit. The 90-day reinstatement period shall begin from the expiration date of the original permit. The application for reinstatement shall state the building permit number, the reason for the need for reinstatement; shall be signed by the property owner; and shall be accompanied by the reinstatement fee (to be set by resolution). A permit may be reinstated only once.

C. Sanitary sewer permits issued prior to February 12, 1991 shall be honored. The burden of proof of prepaid sewer connection shall be on the property owner. Credit will be given for number of Equivalent Dwelling Unit (EDU) originally purchased. Any additional EDU being constructed at the site shall pay the current connection fees and rates.

D. Permit fees will be computed at the rate in force at the time a building permit has been applied for and the plan check fee paid. (Ord. 4987, 2015).

13.08.040 New Service – Payment Guarantee.

In all new subdivisions and all new areas not served by existing sewer lines where sanitary sewer service is required, the city council may require the payment or guarantee of payment of the SDC covering the construction and installation of sanitary sewers in such areas. Such payments shall be made immediately upon demand and shall be credited against SDC and charges, or the city council may create a sanitary sewer district, and after the costs have been determined and apportioned, cause the premises to be assessed and such assessments entered in the docket of city liens. (Ord. 4987, 2015).

13.08.050 System Development Charges – Designated – Method of Computation.

A. The System Development Charge (SDC) to connect to a city sanitary sewer shall be computed by unit or Equivalent Dwelling Unit (EDU). Unit charges will be computed based on classification of service at the rate and charges as follows:

1. *Residential Method.*

- a. Single family dwelling units, including manufactured homes:

CALCULATION: One EDU = One unit

- b. Duplexes, apartments, condominiums, dormitories, convalescent/residential care facilities, hotels and motels in which the units include individual kitchens:

CALCULATION: One EDU = One unit

- c. Dormitories, convalescent/residential care facilities, hotels, and motels in which the units do not include individual kitchens:

CALCULATION: One EDU = Two units (in the case of convalescent/residential care facilities, one unit=one bed)

- d. Bed and breakfast facilities and other similar commercial lodging facilities:

CALCULATION: One EDU for the first five bedrooms plus one EDU for every two bedrooms over five.

- e. Recreational vehicle park:

CALCULATION: One EDU = Two recreational vehicle spaces with sewer hookups.

The calculations for the residential method shall apply whether the dwelling unit is occupied or not. The calculated charge includes all facilities such as common laundries, kitchens and recreation areas, provided they are intended for the sole use of the residents and guests. If the structure also contains commercial operations available for use by the general public, the charges for those facilities used for commercial operations shall be calculated using the fixture count method.

An individual manufactured home located on a platted site will be charged for the SDC on the same basis as any other structure. A site for a manufactured home unit located within a manufactured home park will not be charged for each change of a manufactured home unit if the sanitary sewer connection has a trap and vent system independent of the structure.

2. *Fixture Count Method.*

a. This method shall apply to all nonresidential uses, when the Industrial Method is not required to be used. The Fixture Count Method shall apply to all commercial, nonmetered industrial uses, restaurants, laundries, Laundromats, schools, hospitals, public facilities, swimming pool filters, and all other similar nonresidential uses. The fixture unit values shall be as listed in subsection [\(A\)\(2\)\(b\)](#) of this section or to the fixture unit values in the most current version the Oregon Plumbing Specialty Code, whichever is most current.

CALCULATION: One EDU = 16 fixture units.

b. Fixture unit value shall be a shown below. Any fixture unit rating not addressed in this table shall be calculated pursuant to the current Oregon Plumbing Specialty Code.

Fixture	Fixture Unit Value
Baptistery/font	4
Bath	
Jacuzzi/whirlpool	3
Tub/shower combination	3
Car Wash	
Each Stall	6
Drive Through	16
Cuspidor/water aspirator	1
Dishwasher	
Commercial	4
Residential	2
Drinking Fountain	1

Fixture	Fixture Unit Value
Floor Drain, Mop Sink or Floor Sink	
2-inch	4
3-inch	6
4-inch	8
Garbage Disposal	
Residential 3/4 horsepower	0/16 ¹
Commercial 3/4-5 horsepower	32
Industrial more than 5	48
Ice Machine/Refrigerator Drains	1
Oil separator (gas stations)	6
Recreational Vehicle Dump Station	16
Shower	2 per head
Sink	
Bar or Lavatory	2
Commercial	3
Service	3
Wash fountain	3
Swimming Pool Filter	3
Washer, Clothes	6
Water Extractor	6
Water closet, toilet	6
Urinal	6

1 Fixture unit values for garbage disposals of 3/4 horsepower or less, installed in nonresidential applications, shall be based on the proposed use of the facility. Uses associated with commercial food processing, preparation, handling, or group food service (cafeterias) shall be charged 16 fixture units. Uses for individual employee support (e.g. employee lunchrooms) shall not be separately charged.

Note that a separate water meter is required for car washes, and that adjustments to the SDC for car washes may be made based on actual water use after six months of operation.

c. *Industrial Method.* Industrial connections are for those structures used primarily for manufacturing. Minor and major industrial connection and sewer service charges cover only the industrial waste/wastewater portion of the Industrial User's discharge. The minor and major Industrial User must also pay connection and sewer service charges, based upon fixture units, for its nonindustrial wastewater discharge. There are three industrial categories as follows:

i. *Category I.* Dry Industrial User does not generate or discharge any industrial waste or wastewater. Industrial Users that discharge less than 50 gallons of industrial wastewater on any one day may be included in this category with the approval of the Director.

CALCULATION: One EDU = 16 fixture units or fraction thereof.

ii. *Category II.* Minor metered water use or wastewater discharge is less than 25,000 gallons per day (gpd).

CALCULATION: One EDU = 300 gpd. If waste discharged is not known, then the fixture unit rates will be used. Any adjustment in connection charge will be made after six months of operation.

iii. *Category III.* Major metered water use or wastewater discharge is equal to or greater than 25,000 gpd or strength of waste discharged is more than:

- 700 mg/l Chemical Oxygen Demand (COD);
- 300 mg/l Biochemical Oxygen Demand (BOD);
- 350 mg/l Total Suspended Solids (TSS);
- 8 mg/l Total Phosphorus (TP);
- 25 mg/l Ammonia (NH₃)

CALCULATIONS: The Director shall select one or more of the following calculations for determining the connection charge:

- One EDU = 300 gpd average value;
- One EDU = 0.70 pounds BOD per day average value;
- One EDU = 1.4 pounds COD per day average value;
- One EDU = 0.70 pounds TSS per day average value;
- One EDU = .11 pounds NH₃ per day average value;
- One EDU = .028 pounds TP per day average value.

Such selection shall be made on the basis of the impact the Industrial User's discharge is anticipated to have upon the sewerage system and shall be aimed at ensuring that the Industrial User in question pays his/her fair share in light of the impact of its discharge, as determined by the city. The city may, in its discretion, require the user to separate its industrial wastewater discharge from its nonindustrial waste discharge.

- B. Large parcel depth over 120 feet or one-half block shall be subject to additional unit charges for any units lying therein and the cost of sewer line extensions required to service same.
- C. Where a sewer is financed and constructed by a developer for city ownership and operation, the facility development fee will be waived and only the SDC will be levied.
- D. All construction will conform to the applicable city and Oregon Plumbing Specialty Code standards. The city reserves the right to reject any sewer constructed for connection to the sewer main. (Ord. 4987, 2015).

13.08.055 System Development Charge (SDC) – Credits.

Whenever a SDC is computed on property for which the SDC has been previously paid, a credit may, in the discretion of the Director, be allowed. The amount of credit shall be determined by the Director by taking into consideration the SDC calculation method at the time of the payment of the earlier SDC along with the number of existing and proposed Equivalent Dwelling Unit or EDUs and then computing the extent and amount of the credit, if any. If records of such previous charges are not available, the burden of proof shall be on the property owner to establish the amount of the earlier charges. The exact manner of calculation of any credit allowed shall be in the discretion of the Director. SDC credits resulting from change of use are issued to the parcel associated with the permit for use with future SDC fees. (Ord. 4987, 2015).

13.08.060 Facility Development Fees – Designated – Method of Computation.

- A. Owners of property applying to connect facilities directly to the city sanitary sewer system who will receive special and peculiar benefit from such connection, but who have not directly contributed to the cost of the line to which they will make connection shall, in addition to the regular sewer connection charge, be charged and assessed for the special and peculiar benefit the property received, as determined by the city. This charge shall be called the Facilities Development Fee (FDF) and shall be set by resolution.
- B. The FDF is derived from a frontage rate multiplied by the number of front feet. The minimum frontage assessment will be for 75 lineal feet.
- C. Frontage of large tracts (unplatted residential, commercial, and industrial) shall be measured as the amount of developed portion along the actual sewer line in cases where the sewer line crosses through the tract and measured as street frontage of the developed portion where the sewer service is from a street location.
- D. Corner lots where street frontage dimensions do not exceed 120 feet or one-half block shall have frontage equal to one-half the sum of the street frontages. (Ord. 4987, 2015).

13.08.070 Sewer Construction plan Approval Required.

Notwithstanding the provisions of this chapter, the city council shall not be obligated to construct and install sanitary sewers to any property until the project has been approved and authorized by the city council, and the plans and specifications therefore have been approved by the City Engineer. All sanitary sewers hereafter constructed and installed in the city shall be under the direct supervision of the City Engineer, and their services shall be considered a cost of the project, and in the event any legal services are required, the cost of such services shall be considered a cost of the project. (Ord. 4987, 2015).

13.08.080 Unpaid Charges – Liens.

A. The city finance director is directed to enter all unpaid SDC, FDF, and associated charges in the docket of city liens, and thereupon said connection fees and charges shall become an assessment and lien upon individual lots and tracts of land involved. (Ord. 4987, 2015).

B. The city council may use such means of collection for all charges and fees collected under this chapter as may be provided by the laws of the state, and any delinquencies may be certified to the tax assessor of the county for collection in the manner provided in ORS [454.225](#) or any other statute subsequently enacted applicable thereto. (Ord. 4987, 2015).

13.08.100 Disposition of Moneys.

All fees and charges collected under this chapter shall be deposited by the city finance director in the sewer operations and capital funds. (Ord. 4987, 2015).

13.08.110 Violation – Penalty – City Right to Redress.

Any person, firm, or corporation violating any of the provisions of this chapter shall upon conviction be punished by a fine of not more than \$500 for each day that violation continues. Trial shall be before the court without a jury with no right to appeal. The city reserves the right to seek such other relief as is available from any court of competent jurisdiction to redress a violation of this chapter. (Ord. 4987, 2015).

Chapter 13.08
SANITARY SEWERS SYSTEM DEVELOPMENT CHARGES –
CONNECTION FEES

Sections:

- 13.08.010 Permit – Required.
- 13.08.020 Permit – Application – Issuance Conditions and Enforcement.
- 13.08.030 Connection Permit Duration and Forfeiture Upon Expiration.
- 13.08.040 New Service – Payment Guarantee.
- 13.08.050 System Development Charges – Designated – Method of Computation.
- 13.08.055 System Development Charge (SDC) – Credits.
- 13.08.060 Facility Development Fees – Designated – Method of Computation.
- 13.08.070 Sewer Construction plan Approval Required.
- 13.08.080 Unpaid Charges – Liens.
- 13.08.090 Unpaid Charges – Collection.
- 13.08.100 Disposition of Moneys.
- 13.08.110 Violation – Penalty – City Right to Redress.

13.08.010 Permit – Required.

Prior to connection of any building sewer to any lateral sewer or any sewer main the person desiring to make such connection shall receive a permit therefore from the city building Official and shall comply with all of the requirements of Chapters [13.04](#) through [13.12](#) MMC. (Ord. 4987, 2015).

13.08.020 Permit – Application – Issuance Conditions and Enforcement.

A. All applications for sewer connections under this chapter will be made to the city ~~b~~Building ~~e~~Official. The applicant shall furnish satisfactory evidence to the ~~b~~Building Official supporting the proposed land use and a plot plan of the area to be served by the proposed sanitary sewer, and shall meet all the requirements of Chapters [13.04](#) through [13.12](#) MMC. The ~~b~~Building ~~e~~Official may issue the permit, or refer the application to the Director for approval or disapproval. Thereupon the Director shall make an investigation and report, with ~~his~~ **their** recommendation of ~~his~~ **their** approval or disapproval. In the event such an application is rejected by the Director, such application may be appealed to the city council at its next regular meeting. A building permit shall not be issued until all applicable Systems Development Charges (SDC), Frontage Development Fees (FDF), and associated charges have been paid or application for to pay in installments has been approved

by the finance department as specified in Ordinance No. [4495](#) and Ordinance No. [4585](#). It shall be the duty of the ~~b~~Building ~~o~~fficial to enforce the provisions of this chapter.

B. Sewer connection charges are those charged for any and all of the following:

1. Sewer connections to the city sewer system;
2. Change in the use of an existing connection, including but not limited to, building additions or expansions which include sanitary facilities; and
3. Substantial increase(s) in the flow or alteration of the character of wastewater to an existing connection.

C. It is the responsibility of the ~~b~~Building Official to notify the Director in writing whenever a land parcel or a structure falls within the classifications listed in subsection [B](#) of this section. The Director shall compute and file with the ~~b~~Building Official ~~his~~ **their** findings in regard to this matter. (Ord. 4987, 2015).

13.08.030 Connection Permit Duration and Forfeiture Upon Expiration.

A sewer connection permit expires 180 days following its date of issuance. Failure to complete the sewer connection and obtain inspection and approval of such connection by the city, or designated approval authority, within 180 day period, or within any extension of time or reinstatement period as provided below, shall result in forfeiture of all connection fees paid and the nullification of the permit.

A. *Extensions of Time.* Upon submittal of a written request and fee (to be set by resolution) to the city prior to the expiration of the 180-day period described above, the city may, in its discretion grant an extension of time up to 30 days from the expiration date for good cause. Such request shall state the building permit number and the reason for the extension request. The request shall be signed by the property owner. Only one extension of time shall be allowed; thereafter, the property owner must apply for permit reinstatement.

B. *Reinstatement of Permit.* An expired connection permit may be reinstated upon showing of good cause for an additional 90-day period, provided the request for reinstatement has been made within 90 days of the original expiration date of the permit. The 90-day reinstatement period shall begin from the expiration date of the original permit. The application for reinstatement shall state the building permit number, the reason for the need for reinstatement; shall be signed by the property owner; and shall be accompanied by the reinstatement fee (to be set by resolution). A permit may be reinstated only once.

C. Sanitary sewer permits issued prior to February 12, 1991 shall be honored. The burden of proof of prepaid sewer connection shall be on the property owner. Credit will be given for number of Equivalent Dwelling Unit (EDU) originally purchased. Any additional EDU being constructed at the site shall pay the current connection fees and rates.

D. Permit fees will be computed at the rate in force at the time a building permit has been applied for and the plan check fee paid. (Ord. 4987, 2015).

13.08.040 New Service – Payment Guarantee.

In all new subdivisions and all new areas not served by existing sewer lines where sanitary sewer service is required, the city council may require the payment or guarantee of payment of the SDC covering the construction and installation of sanitary sewers in such areas. Such payments shall be made immediately upon demand and shall be credited against SDC and charges, or the city council may create a sanitary sewer district, and after the costs have been determined and apportioned, cause the premises to be assessed and such assessments entered in the docket of city liens. (Ord. 4987, 2015).

13.08.050 System Development Charges – Designated – Method of Computation.

A. The System Development Charge (SDC) to connect to a city sanitary sewer shall be computed by unit or Equivalent Dwelling Unit (EDU). Unit charges will be computed based on classification of service at the rate and charges as follows:

1. *Residential Method.*

a. Single family dwelling units, including manufactured homes:

CALCULATION: One EDU = One unit

b. Duplexes, apartments, condominiums, dormitories, convalescent/residential care facilities, hotels and motels in which the units include individual kitchens:

CALCULATION: One EDU = One unit

c. Dormitories, convalescent/residential care facilities, hotels, and motels in which the units do not include individual kitchens:

CALCULATION: One EDU = Two units (in the case of convalescent/residential care facilities, one unit=one bed)

d. Bed and breakfast facilities and other similar commercial lodging facilities:

CALCULATION: One EDU for the first five bedrooms plus one EDU for every two bedrooms over five.

e. Recreational vehicle park:

CALCULATION: One EDU = Two recreational vehicle spaces with sewer hookups.

The calculations for the residential method shall apply whether the dwelling unit is occupied or not. The calculated charge includes all facilities such as common laundries, kitchens and recreation areas, provided they are intended for the sole use of the residents and guests. If the structure also contains commercial operations available for use by the general public, the charges for those facilities used for commercial operations shall be calculated using the fixture count method.

An individual manufactured home located on a platted site will be charged for the SDC on the same basis as any other structure. A site for a manufactured home unit located within a manufactured home park will not be charged for each change of a manufactured home unit if the sanitary sewer connection has a trap and vent system independent of the structure.

2. *Fixture Count Method.*

a. This method shall apply to all nonresidential uses, when the Industrial Method is not required to be used. The Fixture Count Method shall apply to all commercial, nonmetered industrial uses, restaurants, laundries, Laundromats, schools, hospitals, public facilities, swimming pool filters, and all other similar nonresidential uses. The fixture unit values shall be as listed in subsection [\(A\)\(2\)\(b\)](#) of this section **or to the fixture unit values in the most current version the Oregon Plumbing Specialty Code, whichever is most current.**

CALCULATION: One EDU = 16 fixture units.

b. Fixture unit value shall be a shown below. Any fixture unit rating not addressed in this table shall be calculated pursuant to the current Oregon **State** Plumbing Specialty Code.

Fixture	Fixture Unit Value
Baptistery/font	4
Bath	
Jacuzzi/whirlpool	3
Tub/shower combination	3
Car Wash	
Each Stall	6
Drive Through	16
Cuspidor/water aspirator	1
Dishwasher	
Commercial	4
Residential	2
Drinking Fountain	1

Fixture	Fixture Unit Value
Floor Drain, Mop Sink or Floor Sink	
2-inch	2 4
3-inch	5 6
4-inch	6 8
Garbage Disposal	
Residential 3/4 horsepower	0/16 ¹
Commercial 3/4-5 horsepower	32
Industrial more than 5	48
Ice Machine/Refrigerator Drains	1
Oil separator (gas stations)	6
Recreational Vehicle Dump Station	16
Shower	2 per head
Sink	
Bar or Lavatory	2
Commercial	3
Service	3
Wash fountain	3
Swimming Pool Filter	3
Washer, Clothes	6
Water Extractor	6
Water closet, toilet	6
Urinal	6

1 Fixture unit values for garbage disposals of 3/4 horsepower or less, installed in nonresidential applications, shall be based on the proposed use of the facility. Uses associated with commercial food processing, preparation, handling, or group food service (cafeterias) shall be charged 16 fixture units. Uses for individual employee support (e.g. employee lunchrooms) shall not be separately charged.

Note that a separate water meter is required for car washes, and that adjustments to the SDC for car washes may be made based on actual water use after six months of operation.

c. *Industrial Method.* Industrial connections are for those structures used primarily for manufacturing. Minor and major industrial connection and sewer service charges cover only the industrial waste/wastewater portion of the Industrial User’s discharge. The minor and major Industrial User must also pay connection and sewer service charges, based upon fixture units, for its nonindustrial wastewater discharge. There are three industrial categories as follows:

i. *Category I.* Dry Industrial User does not generate or discharge any industrial waste or wastewater. Industrial Users that discharge less than 50 gallons of industrial wastewater on any one day may be included in this category with the approval of the Director.

CALCULATION: One EDU = 16 fixture units or fraction thereof.

ii. *Category II.* Minor metered water use or wastewater discharge is less than 25,000 gallons per day (gpd).

CALCULATION: One EDU = 300 gpd. If waste discharged is not known, then the fixture unit rates will be used. Any adjustment in connection charge will be made after six months of operation.

iii. *Category III.* Major metered water use or wastewater discharge is equal to or greater than 25,000 gpd or strength of waste discharged is more than:

- 700 mg/l Chemical Oxygen Demand (COD);
- 300 mg/l Biochemical Oxygen Demand (BOD);
- 350 mg/l Total Suspended Solids (TSS);
- 8 mg/l Total Phosphorus (TP);
- 25 mg/l Ammonia (NH₃)

CALCULATIONS: The Director shall select one or more of the following calculations for determining the connection charge:

- One EDU = 300 gpd average value;
- One EDU = 0.70 pounds BOD per day average value;
- One EDU = 1.4 pounds COD per day average value;
- One EDU = 0.70 pounds TSS per day average value;
- One EDU = .11 pounds NH₃ per day average value;
- One EDU = .028 pounds TP per day average value.

Such selection shall be made on the basis of the impact the Industrial User's discharge is anticipated to have upon the sewerage system and shall be aimed at ensuring that the Industrial User in question pays his/her fair share in light of the impact of its discharge, as determined by the city. The city may, in its discretion, require the user to separate its industrial wastewater discharge from its nonindustrial waste discharge.

- B. Large parcel depth over 120 feet or one-half block shall be subject to additional unit charges for any units lying therein and the cost of sewer line extensions required to service same.
- C. Where a sewer is financed and constructed by a developer for city ownership and operation, the facility development fee will be waived and only the SDC will be levied.
- D. All construction will conform to the applicable city and Oregon ~~State~~-Plumbing Specialty Code standards. The city reserves the right to reject any sewer constructed for connection to the sewer main. (Ord. 4987, 2015).

13.08.055 System Development Charge (SDC) – Credits.

Whenever a SDC is computed on property for which the SDC has been previously paid, a credit may, in the discretion of the Director, be allowed. The amount of credit shall be determined by the Director by taking into consideration the SDC calculation method at the time of the payment of the earlier SDC along with the number of existing and proposed Equivalent Dwelling Unit or EDUs and then computing the extent and amount of the credit, if any. If records of such previous charges are not available, the burden of proof shall be on the property owner to establish the amount of the earlier charges. The exact manner of calculation of any credit allowed shall be in the discretion of the Director. SDC credits resulting from change of use are issued to the parcel associated with the permit for use with future SDC fees. (Ord. 4987, 2015).

13.08.060 Facility Development Fees – Designated – Method of Computation.

- A. Owners of property applying to connect facilities directly to the city sanitary sewer system who will receive special and peculiar benefit from such connection, but who have not directly contributed to the cost of the line to which they will make connection shall, in addition to the regular sewer connection charge, be charged and assessed for the special and peculiar benefit the property received, as determined by the city. This charge shall be called the Facilities Development Fee (FDF) and shall be set by resolution.
- B. The FDF is derived from a frontage rate multiplied by the number of front feet. The minimum frontage assessment will be for 75 lineal feet.
- C. Frontage of large tracts (unplatted residential, commercial, and industrial) shall be measured as the amount of developed portion along the actual sewer line in cases where the sewer line crosses through the tract and measured as street frontage of the developed portion where the sewer service is from a street location.
- D. Corner lots where street frontage dimensions do not exceed 120 feet or one-half block shall have frontage equal to one-half the sum of the street frontages. (Ord. 4987, 2015).

13.08.070 Sewer Construction plan Approval Required.

Notwithstanding the provisions of this chapter, the city council shall not be obligated to construct and install sanitary sewers to any property until the project has been approved and authorized by the city council, and the plans and specifications therefore have been approved by the ~~Director~~City Engineer. All sanitary sewers hereafter constructed and installed in the city shall be under the direct supervision of the ~~Director~~City Engineer, and his ~~their~~ services shall be considered a cost of the project, and in the event any legal services are required, the cost of such services shall be considered a cost of the project. (Ord. 4987, 2015).

13.08.080 Unpaid Charges – Liens.

A. The city finance director is directed to enter all unpaid SDC, FDF, and associated charges in the docket of city liens, and thereupon said connection fees and charges shall become an assessment and lien upon individual lots and tracts of land involved. (Ord. 4987, 2015).

~~13.08.090 Unpaid Charges – Collection.~~

~~On the first day of July of each year, the city finance director shall prepare a list showing all the properties upon which SDC, FDF and associated charges, and assessments and liens are due and unpaid, and upon which no application for satisfactory installment payments have been made, and shall present said list to the city council at the next regular meeting, and the city council shall proceed to:~~

~~A. Cause the liens to be collected as soon as convenient;~~

B. The city council may use such means of collection for all charges and fees collected under this chapter as may be provided by the laws of the state, and any delinquencies may be certified to the tax assessor of the county for collection in the manner provided in ORS [454.225](#) or any other statute subsequently enacted applicable thereto. (Ord. 4987, 2015).

13.08.100 Disposition of Moneys.

All fees and charges collected under this chapter shall be deposited by the city finance director in the sewer operations and capital funds. (Ord. 4987, 2015).

Commented [DL1]: Why was this made permissive?

Commented [MB2R1]: I feel we made this change for a reason, but don't recall the details.

Commented [JC3R1]: I've never done this July action before so maybe that's why we changed it to may? Also, if the lien is part of the ordinance, why is there a collections section at all? The lien is the lien, right? There isnt anything else beyond that. Maybe want to consider adding a flat fee each month not paid like DPSL or describe your current late %. Then each month these would be added to the lien.

Internally, we need to improve our process because finance hasn't been getting information about whether any SDC or FDF charge is outstanding or if a credit has been issued.

FYI - we still don't have the one outstanding SDC I'm aware of included as a lien. Should we get that done?

I recommend that we do run SDC deferrals or outstanding payments through the financial software because that's the source we use for balancing liens we place on properties in the city's web-based system that title companies refer to.

Commented [MB4R1]: Jennifer has not done these reports. Also, we are not sure if part A is really meaningful. Engineering will work with Finance regarding SDC deferrals and future deferrals will be written much more clearly defined.

13.08.110 Violation – Penalty – City Right to Redress.

Any person, firm, or corporation violating any of the provisions of this chapter shall upon conviction be punished by a fine of not more than \$500 for each day that violation continues. Trial shall be before the court without a jury with no right to appeal. The city reserves the right to seek such other relief as is available from any court of competent jurisdiction to redress a violation of this chapter. (Ord. 4987, 2015).