

ORDINANCE NO. 505

AN ORDINANCE PROVIDING RULES AND REGULATIONS FOR THE City of Madras SEWER SYSTEM, PROVIDING FOR RATES AND CHARGES, REQUIRING APPLICATIONS, REQUIRING PERMITS AND FEES, ESTABLISHING PROCEDURES FOR EXTENSION OF SEWER MAINS, REPEALING ORDINANCES #150, #324, #328, #351, #459, AND #460, PROVIDING FOR COLLECTION AND PENALTIES FOR VIOLATION, AND DECLARING AN EMERGENCY.

Now, therefore, the City of Madras ordains as follows:

SECTION 1. REPEALED ORDINANCES.

City of Madras Ordinances #150, #324, #328, #351, #459, and #460 are hereby repealed. This repeal does not affect or invalidate any proceeding or action made under the terms of these ordinances.

SECTION 2. DEFINITIONS.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this ordinance, shall have the following meanings:

- (1) **Act or "the Act"**. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.
- (2) **Approval Authority**. The Director in an NPDES State with an approved State Pretreatment Program and the Superintendent of the EPA in a non-NPDES State or NPDES State without an approved State Pretreatment Program.
- (3) **ASTM Specifications**. "ASTM Specifications" shall mean the Standard Specifications or Methods of the American Society for Testing and Materials of the serial designation indicated by the number, and unless otherwise stated, refer to the latest adopted revision of said specification or method.
- (4) **Authorized Representative of Industrial User**. An authorized representative of an Industrial User may be:

- a) A principal executive officer of at least the level of vice-president, if the Industrial User is a corporation;
 - b) A general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively;
 - c) A duly authorized representative responsible for the overall operation of the facilities from which the indirect discharge originates.
- (5) **Biochemical Oxygen Demand (BOD)**. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).
- (6) **Building Drain**. "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (5') outside the inner face of the building wall.
- (7) **Building Sewer**. A sewer conveying wastewater from the premises of a User to the interconnection with the city sewer system.
- (8) **Categorical Standards**. National Categorical Pretreatment Standards or Pretreatment Standard.
- (9) **Chemical Oxygen Demand (COD)**. The quantity of oxygen utilized in the reduction of wastewater using a strong chemical oxidant under standard laboratory procedure. When wastewater contains readily oxidizable organic material and no material that is toxic to bacteria, C.O.D. test results are a good estimate of B.O.D. values.
- (10) **Chlorine Requirement**. "Chlorine requirement" shall mean the amount of chlorine, which must be added to the sewage to produce a specified residual chlorine content, or to meet the requirements of some other objective, in accordance with procedures set forth in "Standard Methods".
- (11) **City**. "City" shall mean the City of Madras, a local government agency of the State of Oregon, having jurisdiction within certain defined boundaries as now or hereafter constituted, acting through the City Council or any

committee, body, official or person to whom the council shall have lawfully delegated the power to act for or on behalf of the city. Unless a particular committee, body, official or person is specifically designated in these rules and regulations, wherever herein action by the city is explicitly required or implied, it shall be understood to mean action by the administrator of the city or his duly authorized representative or agent.

- (12) **City Administrator.** Means the administrator for the City of Madras or his/her designee.
- (13) **City Council or Council.** "City Council" or "Council" shall mean the city council members of the City of Madras.
- (14) **City Sewerage System.** The words "city sewerage system" shall mean all or any part of the facilities for collection, pumping, treating, and disposing of sewage as acquired, constructed, or used by the city.
- (15) **Combined Sewer or System.** "Combined sewer or system" shall mean a conduit or system of conduits in which both sewage and storm water are transported.
- (16) **Commercial Building.** "Commercial building" shall mean all buildings or premises used for any purpose other than a dwelling unit, but not an Industrial User.
- (17) **Control Authority.** The term "control authority" shall refer to the "Approval Authority", defined herein above, or the superintendent if the city has an approved Pretreatment Program under the provisions of 40 CFR, 403.11.
- (18) **Cooling Water.** The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
- (19) **Direct Discharge.** The discharge of treated or untreated wastewater directly to the waters of the State of Oregon.
- (20) **Dwelling Units.** "Dwelling units" shall mean buildings and structures that are constructed and used primarily for residential purposes.

- (21) **Engineer**. The term "engineer" shall mean the engineer duly appointed, by the City or the owner of private sewers, to supervise and direct the design and construction of local sewerage facilities, acting personally or through agents or assistants duly authorized by him, such agents or assistants acting within the scope of the particular duties assigned to them.
- (22) **Environmental Protection Agency, or (EPA)**. The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the superintendent or other duly authorized official of said agency.
- (23) **Equivalent Dwelling Unit**. An Equivalent Dwelling Unit shall mean a single family residence.
- (24) **Garbage**. The word "garbage" shall mean solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
- (25) **Grab Sample**. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- (26) **Holding Tank Waste**. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- (27) **Indirect Discharge**. The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307 (b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).
- (28) **Industrial User**. A source of Indirect Discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402, of the Act, (33 U.S.C. 1342)
- (29) **Industrial Waste**. Any flow discharged into the sewerage facility by any industrial facility not considered a residential or commercial facility.
- (30) **Interceptor**. "Interceptor" shall mean a sanitary sewer which receives the flow from a number of trunk, main, or lateral sewers and transports it to a

treatment plant or other point of disposal. Generally an interceptor collects the flow from a number of trunks, mains or laterals which would otherwise discharge to a natural outlet.

- (31) **Interference.** The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the city's NPDES Permit.

The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any State Sludge Management Plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

- (32) **Lateral.** The word "lateral" shall mean a sanitary sewer which will receive the flow from service connections and discharge into a main.

- (33) **Local Government Agency.** "Local government agency" shall mean any legally constituted city, town, county, special district or other public agency under whose jurisdiction local sewerage facilities may be constructed or operated.

- (34) **Main.** The word "main" shall mean a sanitary sewer which will receive the flow from one or more laterals and which will discharge into a trunk or interceptor.

- (35) **May.** "May" is permissible.

- (36) **National Categorical Pretreatment Standard or Pretreatment Standard.** Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users.

- (37) **National Pollution Discharge Elimination System or (NPDES) Permit.** A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

- (38) **National Prohibitive Discharge Standard or Prohibitive Discharge Standard.** Any regulation developed under the authority of 307 (b) of the Act and 40 CFR, Section 403.5.

- (39) **Natural Outlet.** "Natural outlet" shall mean an outlet into a pond, lake, stream, river, ditch, watercourse or other body of surface water.
- (40) **New Source.** Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307 (c) (33 U.S.C. 1317) Categorical Pretreatment Standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.
- (41) **Person.** Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
- (42) **pH.** The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- (43) **Pollution.** The man-made or man-induced alterations of the chemical, physical, biological, and radiological integrity of water.
- (44) **Pollutant.** Any substance which may degrade water quality, including but not limited to, dredged spoil, solid waste, incinerator residue sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.
- (45) **Pretreatment or Treatment.** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW.

The reduction or alteration can be obtained by physical, chemical, or biological processes, or process changes by other means, except as prohibited by 40 CFR Section 403.6 (d).

- (46) **Pretreatment Requirements.** Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.
- (47) **Pressure Sewer.** "Pressure sewer" shall mean a sewer receiving sewage flow directly from a pump station and discharging under pressure into an interceptor, trunk, main, lateral, another pumping station, or treatment plant.
- (48) **Private Sewer.** "Private sewer" shall mean a sanitary sewer, storm sewer, or combined sewer, exclusive of building sewers, which is neither within the jurisdiction of nor owned or operated by the city or a local government agency.
- (49) **Properly Shredded Garbage.** "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of foods that have been shredded to such degree that all particles will be carried freely under the flow and conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.
- (50) **Public Sewer.** Public Sewer shall mean a sanitary sewer, storm sewer, or combined sewer, exclusive of building sewers, owned or operated by the city or a local government agency.
- (51) **Public Works Director.** Public Works Director shall mean the Public Works Director of the City of Madras or his/her duly authorized representative or agent.
- (52) **Publicly Owned Treatment Works (POTW).** A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the city.

This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment.

For the purposes of this ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city who are, by permit or agreement with the city, users of the city's POTW.

- (53) **Publicly Owned Treatment Works (POTW) Treatment Plant.** That portion of the POTW designed to provide treatment to wastewater.
- (54) **Recorder.** "Recorder" shall mean the City Recorder of the City of Madras or his duly authorized representative or agent.
- (55) **Sanitary Sewer.** "Sanitary sewer" shall mean a pipe or conduit designed or used to transport sewage and to which storm water, surface, and ground waters are not admitted intentionally.
- (56) **Septage Facility.** The septage receiving and treatment facility constructed at the City of Madras Wastewater Treatment Plant.
- (57) **Service Charge.** "Service charge" shall mean the charges, normally monthly, levied on all users of the public sewer system for operation, maintenance, and other purposes as established by the council. User fee shall denote monthly service charges for sewer use.
- (58) **Service Connection.** "Service connection" shall mean a public sewer which has been constructed to the approximate property line or right-of-way line from a public sewer for the sole purpose of providing a connection for the building sewer.
- (59) **Sewage.** "Sewage" shall mean a combination of the water-carried waste from residences, commercial buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
- (60) **Sewage Disposal Agreement.** "Sewage disposal agreement" shall mean the agreement between the city and any local government agency or person providing for the delivery or receipt of sewage to or from the city sewerage system and the acceptance or delivery by the city of such sewage.
- (61) **Sewage Treatment Plant.** "Sewage treatment plant" shall mean an arrangement of devices, structures and equipment for treating sewage.
- (62) **Sewer User.** "Sewer user" shall mean every person using any part of the city sewerage system.
- (63) **Shall.** The word "shall" is mandatory.

- (64) **Significant Industrial User.** Any Industrial User of the city's wastewater disposal system who:
- a) Has a discharge flow of 25,000 gallons or more per average work day, or
 - b) Has a flow greater than five percent (5%) of the flow in the city's wastewater treatment system, or
 - c) Has in its wastes toxic pollutants as defined pursuant to Section 307 of the Act of (state) Statutes and Rules or is found by the city, Oregon Department of Environmental Quality (DEQ) or the U.S. Environmental Protection Agency (EPA) to have significant impact either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.
- (65) **Slug.** The word "slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
- (66) **Standard Industrial Classification (SIC).** A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget.
- (67) **Standard Methods.** "Standard methods" shall mean the examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.
- (68) **State.** State of Oregon.
- (69) **Storm Water.** Any flow occurring during or following any form of natural precipitation and resulting therefrom.
- (70) **Storm Water Drain System.** "Storm water drain system" shall mean a conduit designed or used exclusively to transport storm water or surface drainage.

- (71) **Superintendent.** The person, or his duly authorized representative, designated by the city to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this article.
- (72) **Systems Development Charge.** "Systems Development Charge" shall mean a service connection fee established for use for future capital improvements to the existing system primarily for new service.
- (73) **Total Suspended Solids (TSS).** The total suspended matter that floats on the surface of, or is suspended in water, wastewater, or other liquids, and which is removable by laboratory filtering.
- (74) **Toxic Pollutant.** Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Superintendent of the Environmental Protection Agency under the provision of CWA 307 (a) or other Acts, or may be harmful to living organisms.
- (75) **Trunk.** The word "trunk" shall mean a major sanitary sewer into which more than two laterals or mains discharge and which transports the flow collected from lateral and mains to an interceptor, pumping station or treatment plant.
- (76) **Unpolluted Water or Liquids.** "Unpolluted water or liquids" shall mean any water or liquid containing none of the following: free or emulsified grease or oil; acids or alkalies; substance that may impart taste-and-odor or color characteristics; toxic or poisonous substances in suspension, colloidal state or solution; or odorous or otherwise obnoxious gases.
- It shall meet the current state standards for water used for recreation. Analytical determinations shall be made in accordance with procedures set forth in Standard Methods.
- (77) **User.** Any person who contributes, causes, or permits the contribution of wastewater into the city's POTW.
- (78) **Wastewater.** The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with pollutants which may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

- (79) **Wastewater Contribution Permit.** As set forth in Section 3, Subsection (B) of this ordinance.
- (80) **Watercourse.** "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- (81) **Waters of the State.** All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

SECTION 3. PERMIT REQUIRED.

It shall be unlawful to connect to any city sanitary or storm sewer without first having obtained a sewer connection permit.

It shall further be unlawful to discharge wastewater, without a city permit, to any natural outlet within the City of Madras, or in any area under the jurisdiction of said city, and/or to the POTW except as authorized by the Superintendent in accordance with the provisions of this ordinance.

- A) **Building Sewer Permits.** There shall be two classes of building sewer permits for the city:
- 1) For residential and commercial service, and
 - 2) For service to establishments producing industrial wastes. In either case, the owner or his agent shall apply for services at City Hall.

Permit application information shall be supplied by the Recorder and any plans, specifications or other information shall be reviewed by the Public Works Director.

A permit and inspection fee, as established from time to time by the council, shall be paid to the Recorder at the time the application is filed for construction of mains, laterals, and service connections to property lines.

Information will be supplied by the Public Works Director for permit application and inspection of service connections on private property.

B) Industrial Wastewater Contribution Permits (Significant Industrial Users).

- 1) General Permits. All significant Users, proposing to connect to or to contribute to the POTW, shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW.

All existing significant Users connected to or contributing to the POTW shall obtain a Wastewater Contribution Permit within 180 days after the effective date of this ordinance.

- 2) Permit Application. Users required to obtain a Wastewater Contribution Permit shall complete and file, with the city, an application in the form prescribed by the city, and accompanied by a fee established from time to time by resolution.

Existing Users shall apply for a Wastewater Contribution Permit within thirty (30) days after the effective date of this ordinance, and proposed new Users shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the User shall submit, in units and terms appropriate for evaluation, the following information:

- (a) Name, address, and location (if different than address);
- (b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- (c) Wastewater constituents and characteristics, including but not limited to those mentioned in Section 4, Subsection (B) of this ordinance, as determined by a reliable analytical laboratory.

Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136, as amended.

- (d) Time and duration of contribution;

- (e) Average daily, and thirty (30) minute peak wastewater flow rates, including daily, monthly, and seasonal variations if any;
- (f) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
- (g) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
- (h) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state or federal Pretreatment Standards and a statement regarding whether or not the 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 for the User to meet applicable pretreatment standards;
- (i) If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard;

The following conditions shall apply to this schedule:

1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operations of additional pretreatment required for the User to meet the applicable pretreatment standards (e.g. hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.).
2. No increment referred to in paragraph (1) shall exceed nine (9) months.

3. No later than fourteen (14) days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established.

In no event shall more than nine (9) months elapse between such progress reports to the superintendent.

- (j) Each product produced by type, amount, process, or processes and rate of production;
- (k) Type and amount of raw materials processed (average and maximum per day);
- (l) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- (m) Any other information as may be deemed by the city to be necessary to evaluate the permit application.

The city will evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, the city may issue a Wastewater Contribution Permit subject to the terms and conditions provided herein.

- 3) Permit Modifications. Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Contribution Permit of Users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard.

Where a User, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater

Contribution Permit as required by Subsection (2), the User shall apply for a Wastewater Contribution Permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard.

In addition, the User with an existing Wastewater Contribution Permit shall submit to the superintendent, within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard, the information required by Section 3, Subsection B (2), paragraphs (h) and (i).

- 4) Permit Conditions. Wastewater Discharge Permits shall be expressly subject to all provisions of this ordinance and all other applicable regulations, User charges, and fees, established by the city. Permits may contain the following:
- (a) The unit charge or schedule of User charges and fees for the wastewater to be discharged to a community sewer;
 - (b) Limits on the average and maximum wastewater constituents and characteristics;
 - (c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
 - (d) Requirements for installation and maintenance of inspection and sampling facilities;
 - (e) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;
 - (f) Compliance schedules;
 - (g) Requirements for submission of technical reports or discharge reports (see Subsection C).
 - (h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto;

- (i) Requirements for notification of the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
 - (j) Requirements for notification of slug discharges as per Section 4, Subsection (B).
 - (k) Other conditions as deemed appropriate by the city to ensure compliance with the ordinance.
- 5) Permits Duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date.

The User shall apply for permit reissuance a minimum of 180 days prior to the expiration of the User's existing permit.

The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements, as identified in Section 4, Subsection (B), are modified or other just cause exists.

The User shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

- 6) Permit Transfer. Wastewater Discharge Permits are issued to a specific User for a specific operation.

A wastewater discharge permit shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the city.

Any succeeding owner or User shall also comply with the terms and conditions of the existing permit.

C) Reporting Requirements for Permittee.

- 1) Compliance Date Reports. Within ninety (90) days following the date for final compliance with applicable pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any User subject to pretreatment standards and requirements shall submit, to the Superintendent, a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited pretreatment standards and requirements, and the average and maximum daily flow for these process units in the User facility which are limited by such pretreatment standards and requirements.

The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable pretreatment standards or requirements.

This statement shall be signed by an authorized representative of the Industrial User, and certified to by a qualified professional.

- 2) Periodic Compliance Reports.

- a) Any User subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the Superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards.

In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in paragraph (b) (4) of this section.

At the discretion of the Superintendent and in consideration of such factors as local high or low flow rates, holidays, budget,

cycles, etc., the Superintendent may agree to alter the months during which the above reports are to be submitted.

- b) The Superintendent may impose mass limitations on Users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate.

In such cases, the report required by sub-paragraph (a) of this paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the User.

These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Superintendent, of pollutants contained therein which are limited by the applicable pretreatment standards.

The frequency of monitoring shall be prescribed in the applicable pretreatment standard.

All analysis shall be performed in accordance with procedures established by the Superintendent pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Superintendent.

Sampling shall be performed in accordance with the technique approved by the Superintendent.

(Comment: Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Superintendent).

- D) **Monitoring Facilities.** The city shall require, to be provided and operated at the User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems.

The monitoring facility should normally be situated on the User's premises, but the city may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis.

The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction shall be completed within ninety (90) days following written notification by the city.

- E) **Inspection and Sampling.** The city shall inspect the facilities of any User to ascertain whether the purpose of this ordinance is being met and all requirements are being complied with.

Persons or occupants of premises where wastewater is created or discharged shall allow the city or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination, or in the performance of any of their duties.

The Environmental Protection Agency shall have the right to set up on the User's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations.

Where a User has security measures in force which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with their security guards, that upon presentation of suitable identification, personnel from the city, Approval Authority, and EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities.

- F) **Pretreatment.** Users shall provide necessary wastewater treatment, as required, to comply with this ordinance and shall achieve compliance with all Federal Categorical Pretreatment Standards with the time limitations as specified by the Federal Pretreatment Regulations.

Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated, and maintained at the User's expense.

Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review, and shall be acceptable to the city before construction of the facility. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this ordinance.

Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the User's initiation of the changes.

The city shall annually publish in the local newspaper a list of the Users which were not in compliance with any pretreatment requirements or standards at least once during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the User(s) during the same twelve (12) months.

All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or Approval Authority upon request.

- G) **Confidential Information.** Information and data on a User obtained from reports, questionnaires, permit applications, permits, and monitoring programs and from inspections, shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate, to the satisfaction of the city, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the User.

When requested by the person furnishing a report, 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, upon written request, to governmental agencies for uses related to this ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, State

Disposal System Permit and/or the Pretreatment Programs; provided however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the city as confidential, shall not be transmitted to any governmental agency or to the general public by the city until and unless a ten (10) day notification is given to the User.

SECTION 4. PROHIBITED DISCHARGES.

- A) **Sanitary Sewers.** No person shall discharge any storm water, surface drainage, subsurface drainage, groundwater, roof water, cooling water, or unpolluted water into any sanitary sewer owned or operated by the city or connected to the city sanitary sewerage system.
- B) **General Discharge Prohibitions.** No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such Users of a POTW whether or not the User is subject to National Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements. A User may not contribute the following substance to any POTW.
- 1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW.

At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter.

Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides and any other substances which the city, the

state, or the Environmental Protection Agency has notified the User is a fire hazard or a hazard to the system.

- 2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch ($\frac{1}{2}$ ") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
- 3) Any wastewater having a pH less than 5.0, unless the POTW is specifically designed to accommodate such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.
- 4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard.

A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307 (a) of the Act.
- 5) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- 6) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.

In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.

- 7) Any substance which will cause the POTW to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards.
- 8) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- 9) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40° C (104° F) unless the POTW treatment plant is designed to accommodate such temperature.
- 10) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at the flow rate and/or pollutant concentration which a User knows or has reason to know will cause interference to the POTW.

In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

- 11) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- 12) Any wastewater which causes a hazard to humans or animals, or creates a public nuisance.

When the Superintendent determines that the User(s) is contributing to the POTW, any of the above enumerated substances in such

amounts as to interfere with the operation of the POTW, the Superintendent shall:

- 1) Advise the User(s) of the impact of the contribution on the POTW;
- 2) Develop effluent limitations for such User to correct the interference with the POTW.

- C) **Federal Categorical Pretreatment Standards.** Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this ordinance.

The Superintendent shall notify all affected Users of the applicable reporting requirements under 40 CFR, Section 403.12.

- D) **Modification of Federal Categorical Pretreatment Standards.** Where the city's wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the city may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards.

"Consistent Removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment systems to a less toxic or harmless state in the effluent which is achieved by the system in ninety-five percent (95%) of the samples taken when measured according to the procedures set forth in Section 403.7 (c)(2) of (Title 40 of the Code of Federal Regulations, Part 403) - "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The city may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the Approval Authority is obtained.

- E) **State Requirements.** State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations, or those in this ordinance.

- F) **City's Right of Revision.** The city reserves the right to establish more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary.
- G) **Excessive Discharge.** No 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 the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the city or state. (Comment: Dilution may be an acceptable means of complying with some of the prohibitions set forth in Subsection B, e.g. the pH prohibition).
- H) **Accidental Discharges.** Each User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this ordinance.

Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or User's own cost and expense.

Detailed plans showing facilities and operating procedures to provide for this protection shall be submitted to the city for review, and shall be approved by the city before construction of the facility.

All existing Users shall complete such a plan by January 1, 1992. No User who commences contribution to the POTW after the effective date of this ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the city.

Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the User's facility as necessary to meet the requirements of this ordinance.

In case of an accidental discharge, it is the responsibility of the User to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

Written Notice: Within five (5) days following an accidental discharge, the User shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the User to

prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this Article or other applicable law.

Notice to Employee: A notice shall be permanently posted on the User's bulletin board or other prominent place, advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

- I) **Storm Sewers.** No person shall discharge into any storm sewer any polluted or process waters. Storm sewers are for the conveyance of water which may otherwise accumulate from events of natural precipitation.

Connections to the city storm sewer are subject to the same permit process as connections to the sanitary sewer.

- J) **Special Agreements.** No statement contained in this Article shall be construed as prohibiting any special agreement or arrangement between the city and any person whereby an industrial waste of unusual strength or character may be admitted to the sewage disposal works, either before or after pretreatment, provided that there is not impairment of the functioning of the sewage treatment works by reason of the admission of such wastes, and no extra costs are incurred by the city without recompense by the person.

If any waters or wastes are discharged, or are proposed to be discharged to the city sewers, which waters contain the substances or possess the characteristics which, in the judgment of the Public Works Director, may have a deleterious effect upon the sewage works, processes, equipment, or which otherwise create a hazard to life or constitute a public nuisance, the city may:

- 1) Reject the wastes.
- 2) Require pretreatment to an acceptable condition for discharge to the public sewers, including a minimum of two hours of settling for wastes containing soil, dirt, and/or sand.

- 3) Require control over the quantities and rates of discharge, by the construction of equalization basins or by other appropriate methods.
- 4) Require payment to cover the added cost of handling and treating the wastes not covered by existing sewer charges under the provisions of Section 16, of these Rules and Regulations.

If the Public Works Director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the city and subject to the requirements of all applicable codes, and laws.

SECTION 5. GREASE TRAPS AND OTHER PRETREATMENT.

Grease, oil and sand traps shall be provided, operated, and maintained when, in the opinion of the Public Works Director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such traps shall not be required for private living quarters or dwelling units. Grease traps shall be required for all restaurants and oil traps for all service stations.

All traps shall be of a type and capacity approved by the Public Works Director, and shall be located as to be readily and easily accessible for cleaning and inspection. A grease trap shall be required for delicatessens, drive-in restaurants, convenience food stores, and any place selling food to the public.

All industrial wastes shall be pretreated when required. Pretreatment may include, but it is not limited to, vibrating or rotary screen to remove any particle larger than 20-mesh and such other facilities as may be determined necessary by the city and the current United States Environmental Protection Agency pretreatment regulations, to render the waste acceptable for admission to the public sewers.

All wastes containing soil, dirt and/or sand shall be settled in a minimum of two hours in an acceptable basin before discharge to a public sewer.

- A) **Operation.** Where pretreatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operations by the owner at his expense.

- B) **Waste Sampling and Monitoring.** Wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration made. The determinations shall be made as often as deemed necessary by the Public Works Director.

When automatic flow measurement and sampling facilities are not available, the samples shall be collected by the city in such a manner to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the uses of mechanical equipment. Access to the sampling locations shall be granted to the Public Works Director or his duly authorized representatives at all times.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in these rules and regulations shall be determined by the city in accordance with the latest edition of Standard Methods and shall be determined at a control manhole provided, or taken at said control manhole.

In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by the city by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property.

SECTION 6. USE OF PUBLIC SEWERS REQUIRED.

- 1) It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the city or in any area under the jurisdiction of the city any human excrement, garbage, or other objectionable waste.
- 2) It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of said city, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of these rules and regulations.
- 3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used

for the disposal of sewage within the city, or in any area under the jurisdiction of the city.

- 4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting any street, alley, or right-of-way in which there is a public sanitary sewer of the city, is hereby required, at his expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer, either by gravity or with approved pumping facilities, in accordance with the provisions of these rules and regulations, within ninety (90) days after the date of official notice to do so, provided that said public sewer is available to or on the property.

In the event that, during the said period of ninety (90) days, the said owner shall file his written objections with the Recorder against so being required to install said facilities, the city shall not enforce the provisions of this subsection upon said owner, so filing his objections, until the council shall have, at a meeting thereof, heard the said objections of said owner, and rendered its decision thereon.

The said meeting of the council shall be held not less than ten (10) days or more than forty (40) days from and after the date of the filing of said objections with the Recorder.

Not less than seven (7) days prior to the date set by the council for said meeting, the Recorder shall give due notice of the date set therefore to said owner.

The decision of the council shall be final and no recourse shall be available to said owner except as is provided by law.

SECTION 7. PRIVATE SEWAGE DISPOSAL.

- 1) Where a public sanitary sewer is not available under the provisions of Section 6, the building sewer shall be connected to a private sewage disposal system complying with the requirements of the Oregon State Department of Environmental Quality, the Oregon State Health Division, the Plumbing Code of the State of Oregon, and the applicable codes and ordinances of the City of Madras.

- 2) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 6, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with approved granular material, except as provided below, or the Public Works Director shall otherwise permit.

Where existing buildings are too low to be served by gravity by an available sewer, the existing septic tank facilities shall be maintained in use and, when so ordered by the Public Works Director under Section 6, approved pumping facilities shall be installed to pump the septic tank effluent into the available sanitary sewer system.

- 3) The provisions of this article shall be in addition to and not in derogations of the requirements of general law.

SECTION 8. CITY BUILDING SEWERS AND CONNECTIONS.

- A) **Unauthorized Connections.** No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereto and no person, firm, or corporation shall make any connection to any part of the sewer system without first making an application to the city and securing a permit therefore.
- B) **Building Sewer Costs.** All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation.
- C) **Use of Existing Sewers.** Old building sewers may be used in connection with new buildings, or new building sewers, only when they are found, on examination and testing by the Public Works Director, to meet all requirements of this ordinance.
- D) **Separate Building Sewer.** A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or

driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, provided however, that apartment courts, motels and similar structures held under a single ownership shall be permitted to use a single sanitary sewer connection while such single ownership shall continue, such single connection to be of a size and type approved by the Public Works Director as adequate for the purpose.

- E) **Basement Service.** Building sewers serving buildings with basements shall, whenever possible, be brought to the building at an elevation below the basement floor.

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved means and discharged to the building sewer.

- F) **Restricted Connections.** No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- G) **Point of Connection.** Building sewer connections shall be made on the house side of the septic tank except as provided in Section 7.
- H) **Building Sewers.** Construction of building sewers shall conform to these rules and regulations and to the standards for building sewer construction in the City of Madras and the Oregon State Plumbing Specialty Code and Administrative Rules together with all amendments thereof, or hereafter adopted.

SECTION 9. LOCAL SYSTEM PLANS.

- A) **Preparation.** Local government agencies or persons owning or operating public or private sewers at the time of the adoption of these rules and regulations shall submit, if requested, to the city within sixty (60) days after the adoption of these rules and regulations, two sets of an overall plan or plans of the existing systems.

Changes or additions to these overall plans shall be submitted to the city January 1st and July 1st of each year.

SECTION 10. CONSTRUCTION PLANS.

- A) **Review and Approval.** Detailed construction plans and specifications for proposed public and private sewers, to be constructed and directly connected to the city sewerage system, shall be prepared by a professional engineer registered in the State of Oregon and shall be subject to review and approval by the city.

Each local government agency and person shall notify the city in writing of its intention to prepare such construction plans and specifications delineating the boundaries of the areas to be sewered by map, sketch, or written description.

Within ten (10) calendar days following receipt of such notice, the city shall make written request for the submission of such plans and specifications. The local government agency or person shall submit two sets of plans and specifications and shall obtain approval thereof and a permit to construct prior to advertising for bids.

Within twenty-one (21) calendar days following receipt of such plans and specifications, the city shall review same and return one set thereof to the local government agency or person with approval or required changes indicated.

If said plans and specifications are disapproved, the required changes shall be made by the local government agency or person, and all required revisions of plans and specifications resubmitted in the same manner as provided for the initial submittal.

In the event no communication is received from the city by the local government agency or person within twenty-one (21) calendar days of the date of submission of such plans and specifications, it shall be deemed that the city has approved such plans and specifications and will issue a construction permit.

SECTION 11. MAIN AND LATERAL SEWERS AND SERVICES CONNECTIONS.

- A) **General.** The construction of new public sewers and private sewers to be connected to the city sewerage system, and extensions of existing sewers within the city limits shall fully conform to these rules and regulations, Construction Standards, and the requirements of the Oregon State Health Division and Department of Environmental Quality. In the event of conflict, the highest applicable standard shall govern.

- B) **Type of Sewerage System.** New public sewers, private sewers, and extensions of existing sewers shall be designed as separate sanitary sewers or storm sewers. Construction of combined sewers will not be permitted.
- C) **Flow Allowances.** The design criteria for new public sewers, private sewers and extensions of existing sewers shall be such that the total daily flow, other than sewage, shall be 750 gallons per acre per day.
- D) **Inspection.** The city will provide a full-time inspector or inspectors on all new sanitary sewer construction within the city and for those sewers connected to the city sewerage system to insure compliance with these rules and regulations, and the specifications under which they are to be constructed. Costs for such inspections shall be paid by the local government agency or person requesting the construction.

The inspector(s) will make diligent efforts to guard the city against defects and deficiencies in the work of the contractor(s) and to help determine if the provisions of these rules and regulations and the Construction Standards are being fulfilled.

Inspection will not, however, cause the city to be responsible for those duties and responsibilities which belong to the construction contractor and which include, but are not limited to, full responsibility for the techniques and sequences of construction and the safety precautions, incidental thereto, and for performing the construction work in accordance with these rules and regulations and the Construction Standards.

The city will notify the local government agencies or persons responsible for the construction when, in the opinion of the city, the construction work does not comply with these rules and regulations.

Upon receipt of notification, from the city, that any sewer construction work is not being performed in compliance with these rules and regulations and the Construction Standards therefore, the local government agency or person shall immediately take such action as may be necessary to insure compliance.

Each local government agency or person shall inform the city a minimum of ten (10), but not more than twenty (20) days in advance of the start of any sewer construction.

The city shall be reimbursed for the cost of providing inspection services by the local government agency or person installing new sanitary sewers. The cost for inspection services shall be on a per diem basis determined by the Recorder at the time the permit, (Section 10), is issued to perform the work.

The construction of the sewers shall be under the supervision of an engineer currently registered in the State of Oregon or his representative. At the completion of the construction, the engineer shall certify, in writing to the city, that such construction complies with these rules and regulations and plans and specifications therefore.

- E) **Construction Standards.** Construction of local government agency or private sanitary sewers, to be connected to the city sewerage system, shall conform to these rules and regulations and to the Standards for Sanitary Sewer Construction in the City of Madras (Construction Standards), together with all amendments thereof or hereafter adopted.

Copies of the Construction Standards are available at the Madras City Hall.

SECTION 12. DISPOSAL OF MATERIALS FROM SEPTIC TANKS AND CHEMICAL TOILETS.

- A) **Discharge Into City System Prohibited.** The discharge of materials from cesspools, septic tanks, chemical toilets and privies into the city sewer system or in systems connected to the city is prohibited, except as specified herein.
- B) **Prohibited Discharges.** Waste haulers shall be subject to all provisions of Section 12.
- C) **Permit Required.** No person engaged in the collection and disposal of materials from cesspools, septic tanks, chemical toilets, portable toilets and privies, as a business or commercial enterprise, may discharge into a city sewerage facility or into any connecting facility, any of the materials so collected without having first obtained from the city a written permit to do so.

This permit shall be in addition to all permits and/or licenses required by law, and shall be issued only to the holder of a proper registration and inspection certificate, issued by the Jefferson County Health Department, to carry on or engage in the business of cleaning septic tanks, cesspools, grease traps, and seepage pits.

- D) **Fee for Permit.** There shall be paid to the city, for each such permit, a fee in an annual uniform amount to be determined from time to time by resolution of the council. Annual fees shall be payable in advance and permit holders shall renew their permits on or before the annual expiration date thereof.
- E) **Fee for Dumping.** There shall be a dumping fee paid to the city for each discharge of materials collected from cesspools, septic tanks, chemical toilets, and privies. The fee shall be as established from time to time by the council.
- F) **Designated Point of Disposal.** Wastes discharged in the city sewerage system, pursuant to this section, shall be discharged only at such points as are designated by the Public Works Director and in a clean, inoffensive manner satisfactory to the Public Works Director.
- Equipment and methods used by the permittee to discharge shall be subject to inspection by and approval of the Public Works Director as a condition of granting the permit, except that the Public Works Director may waive such inspection upon submittal, by the applicant, of a valid registration and inspection certificate issued by the Jefferson County Health Department.
- G) **Damages.** A permittee hereunder shall be liable for the costs of any damages caused by reason of his operations and failure to pay such costs upon demand shall be cause for revocation of said permit.
- H) **Revocations of Permit.** A permit may be revoked or suspended by the Public Works Director for failure to discharge at designated points or for any discharge which is in violation of the provisions of these rules and regulations.
- I) **Bond and Liability Insurance Required.** All permittees shall be required to post a continuing bond and obtain liability insurance in such amounts and in such form as shall be determined by the City Administrator.
- J) **Exceptions.**
- 1) **Recreational Vehicles.** Discharges from recreational vehicles may be made into private or public facilities specifically designated as RV dump sites.

Such RV dump sites must be approved by the Public Works Director and are subject to fees as may be established from time to time by resolution of the common council of the City of Madras.

- 2) Septic Tank Pumpers. Pumpers who have complied with all state, county, and municipal ordinances, and are licensed and bonded to pump septic tanks, may be permitted to use the designated septage receiving facility at the City of Madras Wastewater Treatment Plant.

Regulations for the use of such facility may be prepared by the Public Works Director and amended from time to time as conditions may warrant.

The common council of the City of Madras shall establish from time to time, by resolution, fees based on volume for each load deposited in the septage facility.

Failure to pay the required fees or to abide by regulations established for the dumping of waste into the septage facility shall be cause for revocation of privileges to access the septage facility.

- a) Revocation or Suspension of Dumping Privileges. Privileges to use the septic receiving facility may be suspended by order of the Public Works Director.

Such suspension or revocation shall be made in writing and mailed to the last known address of the person, firm, partnership, or corporation whose privileges are being suspended or revoked.

The date of the mailing shall be the effective date of the suspension or revocation and that person, firm, or corporation may be barred from use of the facility until an agreement has been reached with the Public Works Director for restoration of dumping privileges.

- b) Appeal. Any pumper, whose privilege to use the septage facility has been suspended or revoked, may appeal such suspension or revocation to the city council.

The appellant shall show cause why the suspension or revocation is unjust and why the decision of the Public Works Director should be reversed.

The council shall either grant continuation of dumping privileges, grant continuation of dumping privileges with conditions, or deny the appeal.

SECTION 13. INTERFERENCE WITH OPERATION OF CITY SEWER SYSTEM.

No unauthorized person shall enter any city sewer, manhole, pumping station, treatment plant or appurtenant facility.

No person shall maliciously, willfully, or negligently break, damage, destroy, deface, or tamper with any structure, appurtenance, or equipment which is part of the city system.

No person, other than an authorized employee or agent of the city shall operate or change the operation of any city sewer, pumping station, treatment plant, or appurtenant facility.

SECTION 14. SYSTEMS DEVELOPMENT CHARGES.

Charges for Systems Development for sewer service may be established from time to time by resolution of the common council of the City of Madras. Such charges shall be based upon methods established in the ordinance dealing with systems development. Sewer service shall not be provided until all such Systems Development Charges assessed have been paid.

Systems Development Charges for sewer outside city limits shall be two and one-half (2-1/2) times the rate for service within city limits.

The Systems Development Charge shall be paid prior to issuance of a building permit for the unit or units. For computations of the Systems Development Charge the applicable Equivalent Dwelling Unit fee shall be multiplied by the number of Equivalent Dwelling Units. The minimum number of Equivalent Dwelling Units is 1. Partial units over 1 shall be rounded up to the next whole unit.

SECTION 15. EXTENSION OF SEWER MAINS.

- 1) Sewer mains of the City of Madras may only be extended upon approval of the city.

Where a parcel within the city to be served does not lie adjacent to a city sewer main capable of serving the intended use, the property owner shall request that a city sewer main be extended to the property to be served.

- 2) Any person requiring an extension of the city's sewer mains shall make application therefore to the Public Works Department, and shall deposit with the City of Madras such sum of money as the city shall estimate is sufficient to cover the cost of such sewer main extension, together with fifteen percent (15%) for overhead, supervision, and engineering.
- 3) The size of such extensions, type of materials, locations of mains, manholes, services, lift stations and other appurtenant facilities shall be under City of Madras specifications and subject to city approval.

The minimum size for sewer mains shall be eight (8) inches unless the city determines that the city's best interest would be served by a smaller size.

Should the city determine that it would be in the city's best interest to install a main of a larger size than is required by this ordinance or the needs of the proposed development, the city may cause the larger main to be installed and may pay the difference in cost between the required main size and the larger main installed.

No lines or laterals shall be installed until the estimated cost thereof, as herein above set forth, shall have been deposited with the City of Madras, and all such extended mains together with all appurtenant facilities shall be the sole property of the City of Madras, without right of refund on the part of the person or persons paying for such extension and on the part of any person or persons whomsoever.

- 4) When any person shall hereafter be required to pay the cost of extending a sewer main adjacent to property other than his/her own so that sewer service is made available to such other property, without further extension of such sewer main, the city may establish charges for connections to such main(s) and provide a reimbursement agreement to repay the persons extending such main, a portion of their costs.

Such agreement shall remain valid for a period of ten (10) years. Connection charges established by the city for such mains collected after ten (10) years shall be deposited into the city sewer funds.

The city makes no guarantee that future connections will be made subject to reimbursement. The right to receive reimbursement shall run with the land and charges collected under such agreement will be paid to the owners of the land at the time such reimbursements are made.

- 5) Whenever the city may install a main line extension on its own volition, which may provide availability of service to property not previously served, the city may establish charges for connections to that main. Such charges shall be in addition to any regularly set connection fees.

SECTION 16. CHARGES FOR SANITARY SEWER SERVICE.

Charges or fees for sanitary sewer service shall be established from time to time by resolution of the common council based upon the impact or load to the wastewater system according to the demand equal to a single-family Equivalent Dwelling Unit (EDU).

Consideration for determining the E.D.U. shall include, but may not be limited to the total daily flow, B.O.D. concentration, C.O.D. concentration, suspended solids concentration, and potential or actual toxicity of the discharge into the sanitary sewer system.

For general purposes one E.D.U. assumes 195.0 gallons per day at a B.O.D. loading of 200 mg/l and a suspended solids loading of 216 mg/l. For industrial Users the average between the C.O.D. concentration and the B.O.D. concentration may be used for factoring the Equivalent Dwelling Unit.

[This paragraph amended by Ordinance No. 842, passed by Council on April 10, 2012]

For convenience, the city council may establish a schedule for determining E.D.U.'s for normal residential, non-residential, and commercial uses based on experience with those uses. Such a schedule may be established by ordinance or resolution and may be amended from time to time as conditions warrant but shall not preclude setting E.D.U.'s according to actual wastewater discharges when there are unusual circumstances and/or when it would be in the city's best interest to do so.

Charges for sewer service outside the city limits shall be two and one-half (2-1/2) times the rates charged for E.D.U.'s within the city limits.

The City Administrator for the City of Madras may, under special circumstances, adjust the monthly sewer bills if the monthly sewer bill is excessive and caused by a circumstance beyond the control of the user of said sewer system. Adjustments made shall be accounted for with a special notation on the adjusted bill. Said adjusted bill shall be recorded with the City of Madras.

[Section 16 amended by Ordinance No. 691, Passed October 10, 2000.]

SECTION 17. CHARGES FOR STORM SEWER SERVICE.

The common council of the City of Madras may establish, by resolution, charges for storm sewer service. Such charges may be based upon expected volume of storm water runoff determined by square footage of impervious surface.

SECTION 18. PAYMENT - DELINQUENCY.

All bills are due on the tenth day of the calendar month following service. Bills are payable to the City of Madras or agent as may be authorized by the common council of the City of Madras.

Unpaid bills become delinquent on the tenth day of such month. When a bill is not paid before it is delinquent, or any provision of this ordinance is violated, the city reserves the right to terminate sewer or water service.

SECTION 19. DISCONTINUANCE OF SERVICE.

In the event of failure to pay sewer service charges after they become delinquent, failure to cease discharging to the sewer substances prohibited by any rules and regulations of the city, or failure to have flow or sampling devices in proper operating condition for more than one (1) week, the city shall have the right to remove or close any water or sewer connections, and enter upon the property for accomplishing such purposes.

The expense of such removal, or closing, as well as the expense of restoring service, shall likewise be a debt due to the city and may be recovered by civil action in the name of the city against the property owner, the person, or both.

SECTION 20. RESTORATION OF SERVICE.

Sewer service shall not be restored until all charges, including the expense of removal, closing, and restoration, shall have been paid and the cause for discontinuance of service corrected.

SECTION 21. OWNERSHIP AND OCCUPANCY.

Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

SECTION 22. ENFORCEMENT.

- A) **Harmful Contributions.** The city may suspend the wastewater treatment service and/or a Wastewater Contribution Permit when such suspension is necessary, in the opinion of the city, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the city to violate any condition of its WPCF Permit.

Any person notified of a suspension of the wastewater treatment service and/or the Wastewater Contribution Permit shall immediately stop or eliminate the contribution.

In the event of a failure of the person to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals.

The city shall reinstate the Wastewater Contribution Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge.

A detailed written statement, submitted by the User, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, shall be submitted to the city within fifteen (15) days of the date of occurrence.

B) Revocation of Permit. Any User who violates the following conditions of this ordinance, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of Section 22 of this ordinance.

- 1) Failure of a User to factually report the wastewater constituents and characteristics of his discharge;
- 2) Failure of the User to report significant changes in operations, or wastewater constituents and characteristics;
- 3) Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring; or
- 4) Violation of conditions of the permit.

C) Notification of Violation. Whenever the city finds that any User has violated or is violating this ordinance, Wastewater Contribution Permit, or any prohibition or limitation of requirements contained herein, the city may serve upon such person a written notice stating the nature of the violation.

Within thirty (30) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the city by the User.

D) Show Cause Hearing. The city may order any User who causes or allows an unauthorized discharge to enter the POTW to show cause, before the city council, why the proposed enforcement action should not be taken.

A notice shall be served on the User specifying the time and place of a hearing to be held by the city council regarding the violation, the reasons why the action is to be taken or the proposed enforcement action should not be taken.

The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

1. The City Council may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the assigned department to:
 - a) Issue, in the name of the city council, notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
 - b) Take the evidence;
 - c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the city council for action thereon.
 2. At any hearing held pursuant to this ordinance, testimony taken must be under oath and recorded. The transcript, of the recording, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
 3. After the City Council has reviewed the evidence, it may issue an order to the User responsible for the discharge directly that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, or devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.
- E) **Legal Action.** If any person discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system contrary to the provisions of this ordinance, federal or state Pretreatment Requirements, or any order of the city, the City Attorney may commence an action for appropriate legal and/or equitable relief in the Circuit Court of this Country.

SECTION 23. MONETARY PENALTIES.

- 1) Any person found to be violating any provision of this ordinance shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

- 2) Any person who shall continue any violation beyond the time limit provided for in Section 23 (1) shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not to exceed \$300 for each violation.

Each day in which any such violation shall continue shall be deemed a separate offense.

- 3) Any person violating any of the provisions of this ordinance shall be liable to the city for any expense, loss, or damage occasioned the city by reason of such violation.
- 4) The city reserves the right to injunctive relief against violation of any of the provisions of this ordinance.

SECTION 24. APPEAL.

Any person aggrieved by any decision or action of the city made or taken pursuant to these rules and regulations may appeal to the City Administrator for a review of such decision or action. Where warranted arrangements may be made for billing adjustment, delay in discontinuing service, or other remedies.

Notwithstanding the above, any person may request the common council of the City of Madras to hear their complaint or grievance.

SECTION 25. APPEAL TO CITY COUNCIL.

Any local government agency or person feeling himself aggrieved by any decision or action of the city made or taken pursuant to these rules and regulations may appeal to the council by filing written notice of appeal with the Recorder within forty-five (45) days following such decision or action.

Such notice of appeal shall set forth in reasonable detail the action or decision appealed from the appellant's ground for reversal or modification thereof.

Within twenty (20) days following receipt of such notice, the council shall set a time for hearing upon such appeal which shall not be less than ten (10) nor more than forty (40) days following such receipt.

The action of the council upon such appeal shall be conclusive, subject to appeal in the manner required by law.

SECTION 26. SEVERABILITY.

If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

SECTION 27. ORDINANCE IN FORCE.

A sewer system being necessary for the health and welfare of the citizens of Madras an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

Passed by the council and approved by the mayor October 22, 1991.