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ORDINANCE NO. 868

AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF CANBY, OREGON, TO OPERATE AND MAINTAIN A SEWAGE COLLECTION AND TREATMENT SYSTEM; ESTABLISHING AND IMPOSING JUST AND EQUITABLE CHARGES; PROVIDING FOR THE MANNER OF PAYMENT AND COLLECTION, ENFORCEMENT AND DISBURSEMENT OF SUCH CHARGES; REGULATING THE DISCHARGE OF WASTES TO THE SANITARY AND STORM SEWER SYSTEMS OF THE CITY, LIMITING SUCH DISCHARGES ONLY TO THOSE ACCEPTABLE TYPES, CHARACTERISTICS, OR CONCENTRATIONS; ESTABLISHING A SYSTEM OF WASTE DISCHARGE PERMITS AND PROVIDING FOR ENFORCEMENT; REPEALING ORDINANCE NO. 566, ENACTED FEBRUARY 19, 1974, ORDINANCE NO. 618, ENACTED APRIL 1, 1977; ORDINANCE NO. 679, ENACTED AUGUST 6, 1980, ORDINANCE NO. 727, ENACTED DECEMBER 1, 1982; ORDINANCE NO. 835, ENACTED OCTOBER 18, 1989, AND DECLARING AN EMERGENCY

THE CITY OF CANBY ORDAINS ORDINANCE NO. 868 AS FOLLOWS:

PART I - GENERAL PROVISIONS

Section 1. Authority and Intent

Pursuant to the statutes of the State of Oregon and powers granted in the charter of the City of Canby, the City does hereby declare its intention to own, construct, equip, operate and maintain sanitary sewers, sewage pump stations, sewage treatment plants and outfall sewers; to extend and expand the existing sewage system of said City; and to reconstruct such existing sanitary sewers, sewage pump stations and sewage treatment plants as may be deemed proper by the City Council. It is further declared to be the policy of the City of Canby to provide and offer sewage disposal service for such areas adjacent to the City limits as may, in the judgment of the common council, be feasibly severed upon such terms, conditions and rates as the common council shall determine.

The rules and regulations hereinafter set forth shall be applicable to the disposal of sewage into the City sewage system, whether delivered from within or from without the City limits.

Section 2. Definitions

The following words and phrases, when used in this ordinance, shall have the meanings hereinafter set forth in this section, whether appearing in capital or lower case form.

"**ACT**" shall mean the Clean Water ACT (33 U.S.C. 1251 et. seq.) as amended.

"**ANSI Specifications**" shall mean the standard specifications or methods of the American National Standards Institute of the serial designation indicated by the number and, unless otherwise stated, refer to the latest adopted revision of said specifications or method.

"**ASTM Specifications**" shall mean the standard specifications or methods of the American Society for Testing Materials of the serial designation and indicated by the number and, unless otherwise stated, refer to the latest adopted revision of said specification or method.

"**Applicable Pretreatment Standards**" shall mean for any specified Pollutant, City prohibitive discharge standards, City's specific limitations on discharge, State of Oregon pretreatment standards, or the National Categorical Pretreatment Standards (when effective) whichever standard is most stringent.

"**Biochemical Oxygen Demand (B.O.D.)**" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under a standard laboratory procedure in five days at a temperature of 20 degrees Centigrade, expressed in milligrams per liter, or parts per million by weight. Laboratory determinations shall be made in accordance with procedures set forth in Standard Methods.

"**Branch Sewer**" shall mean a conduit extending from the plumbing or drainage system of a building or buildings to and connecting with a public or private sanitary or storm sewer, within a street right-of-way.

"**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 outside the inner face of the building wall.

"**Building Sewer**" shall mean the extension from the building drain to the property line or right-of-way line and connection with the public sewer service lateral.

"**Categorical Industry**" shall mean any business or industry listed by the Environmental Protection Agency (EPA) as such.

"Categorical Pretreatment Standard" shall mean National Pretreatment Standards and are limitations on pollutant discharges to Publicly Owned Treatment Works (POTWs) promulgated by the U.S. Environmental Protection Agency (EPA) in accordance with Section 307 of the Clean Water Act, that apply to specified process wastewater of particular categories [40 CFR Chapter I, Subchapter N, Parts 405-471 and amendments thereto].

"City or City of Canby" shall mean the municipality of Canby, Oregon, a municipal corporation of the State of Oregon, acting through its Common Council or any board, 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 board, committee, body, official or person is specifically designated in these rules and regulations, wherever action by City is explicitly required or implied herein, it shall be understood to mean action by the Superintendent of Public Works of Canby, Oregon or his duly authorized deputy or agent.

"City Limits" shall mean the area contained within the boundaries of the City of Canby as now or hereafter constituted.

"Combined Sewer or System" shall mean a conduit or system of conduits in which both sewage and storm water are transported.

"Commercial Building" shall mean all buildings or premises used for any purpose other than a dwelling unit, but not an industrial user.

"Commercial User" shall mean a business establishment other than an industrial plant, and shall include multi-family dwelling units.

"Compatible Pollutant" shall mean wastes having biochemical demand, suspended solids and pH within tolerable limits, fecal coliform bacteria, and such additional pollutants which the City treatment works are designed to treat.

"Domestic Sanitary Wastes/Wastewater" shall mean wastewater discharged from a residential user.

"Dwelling Units" shall mean buildings and structures that are constructed and used primarily for residential purposes.

"Garbage" shall mean solid wastes from the preparation, cooking and dispensing of food, and from handling, storage, and sale of produce.

"Industrial Discharger/User" shall mean any discharger who discharges wastes other than domestic wastewater directly or indirectly into the City sewer system.

"Industrial Waste" shall mean liquid, solid, or gaseous substance, or combination thereof, resulting from any process of industry, manufacturing, commercial food processing, business, agriculture, trade or research, including but not limited to the development, recovering or processing of natural resources and leachate from landfills or other disposal sites, and any other discharge other than domestic sanitary waste.

"Industrial Waste Discharge Permit" shall mean a permit to discharge industrial wastes into the City sewer system issued under the authority of this ordinance and which prescribes certain discharge requirements and limitations.

"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.

"Interference" shall mean an inhibition or disruption of the POTW, its treatment process or operations, or its sludge processes, use or disposal caused by a discharge or discharges from other sources results in either a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or to the prevention of sewage sludge use or disposal by the POTW in accordance with the following statutory provisions and regulations and regulations or permits issued thereunder (or more stringent State or Local regulations):

Section 405 of the Clean Water Act (CWA), the Solid Waste Disposal ACT (SWDA) (including Title II more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA, the CWA, and the Toxic Substances Control Act.)

"Lateral" shall mean a sanitary sewer which will receive the flow from service connections and discharge into a main, trunk or interceptor.

"Lower Explosive Limit (LEL)" shall mean the lowest concentration of a gas-in-air mixture at which the gas can ignite.

"Main" shall mean a sanitary sewer which receives the flow from one or more laterals and which discharges into a trunk or interceptor.

"May" is permissive.

"Multi-Family" shall mean two or more family occupancy.

"**Natural Outlet**" shall mean an outlet into a pond, lake, stream, river, ditch, watercourse or other body of surface water.

"**New Source**" shall mean:

1. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the CWA which will be applicable to such sources 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 the existing source; or
 - (iii) The production of wastewater generating process of the building structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
2. Construction on 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 paragraphs (1)(ii) or (1)(iii) but otherwise alters, replaces, or adds to existing process or production equipment.
3. Construction on a site at which an existing source is 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 binding 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 substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation.

"Pass Through" shall mean the occurrence of an Indirect Discharge which exits the POTW into waters of the United States in qualities 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).

"Person" shall mean any individual, company, enterprise, partnership, corporation, association, society, or group, and the singular term shall include the plural.

"pH" shall mean the logarithm of the reciprocal of the weight of the hydrogen ions in grams per liter of solution. pH shall be determined by one of the procedures outlined in Standard Methods.

"Pollutant" shall mean any substance discharged into a POTW or its collection system, which is prohibited or limited by Sections herein. Pollutants shall be classified as follows:

1. Conventional Pollutants - Organic biodegradable pollutants such as BOD, TSS, TDS, COD, phosphorous, ammonia, oil & grease organic and inorganic nitrogen and any others defined by resolution as conventional pollutants.
2. Nonconventional Pollutants - Heavy metals, EPA listed hazardous and acutely hazardous pollutants, priority pollutants, pesticides, toxic pollutants as defined herein and any other defined by resolution.

"POTW" shall mean Publicly Operated Treatment Works.

"Pressure Sewer" shall mean a sewer receiving flow directly from a pump station and discharging under pressure into an interceptor, trunk, main, lateral, another pumping station or treatment plant.

"Pretreatment" shall mean 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 the City sewerage system.

"Pretreatment Requirement" shall mean any substantive or procedural requirement related to Pretreatment, other than a National Categorical Pretreatment Standard, imposed on an Industrial User.

"Private Sewer" shall mean a sanitary sewer, storm sewer, or combined sewer, exclusive of building sewers, which is not owned or operated by the City or another local government agency.

"Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow and conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

"Public Sewer" shall mean a sanitary sewer, storm sewer, or combined sewer, exclusive of building sewers, owned or operated by the City or another local government agency.

"Residential User" shall mean a person or persons occupying a dwelling house as a single family.

"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.

"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.

"Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

"Sewage Pretreatment 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.

"Sewerage System" shall mean the entire sewage collection and treatment systems, exclusive of branch sewers. This includes all conduits, pumps, treatment equipment and any

other components involved in the transportation, collection, treatment and disposal of sanitary and industrial wastewater and sludge. This includes both sanitary and storm water systems.

"Sewage Treatment Plant" shall mean an arrangement of devices, structures and equipment for treating sewage.

"Sewer User" shall mean any person using any part of the City sewage system.

"Shall" is mandatory.

"Significant Industrial Discharger/User" shall mean any discharger into the wastewater collection system and or wastewater treatment facility who:

1. Is subject to national categorical pretreatment standards promulgated by EPA under Section 307(b) or (c) of the Clean Water Act (CWA);
2. Has industrial waste containing significant concentrations and/or quantity of toxic pollutants as defined herein;
3. Any other industrial user that discharges an average of 25,000 gallons or more per day of process wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewaters) to the POTW;
4. Contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic, organic or solids handling load to the City's wastewater treatment system; satisfies other, or more restrictive, criteria of the permittee's formal pretreatment program;
5. Is determined by the EPA, DEQ, or the City to have a significant impact or potential for significant impact to adversely affect the wastewater treatment facility and or wastewater collection system by either upset, inhibition, pass through of pollutants, sludge contamination, or receiving water quality (Willamette River).

"Slugload" shall mean any substance released in a discharge at a rate and/or concentration which causes interference to City sewerage or disposal systems.

"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.

"Storm Sewer" shall mean a conduit designed or used exclusively to transport storm water.

"Superintendent of Public Works" shall mean the person duly appointed by the city, a local government agency, or the owner of private sewers, to supervise and direct the design and construction of local sewage facilities acting personally or through agents or assistants duly authorized by him, such agents or assistants acting within the scope of their particular duties.

"Suspended Solids" shall mean total suspended matter that is in suspension in water or wastewater and that is removable by laboratory filtering.

"Toxic Pollutants" shall mean those substances listed by EPA and DEQ. The list is based upon the priority pollutant list prepared by the U.S. Environmental Protection Agency and any additional information available which indicates toxicity or hazard level of particular substances.

"Trunk" shall mean a major sanitary sewer into which more than two laterals or mains discharge and which transports the flow collected from laterals and mains to an interceptor, pumping station or treatment plant.

"Upset" shall mean an exceptional incident in which a discharge is unintentionally and temporarily in a state of noncompliance with the discharge requirements set forth in this ordinance due to factors beyond reasonable control of the discharger, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.

"Wastewater" shall mean industrial waste or sewage, or any other waste including that which may be combined with any ground water, surface water or storm water, that may be discharged to the City sewerage systems.

Section 3. Use of Public Sewers Required

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city limits and abutting on 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 this ordinance, 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 and/or at a property line of said property and the structures or buildings are within 100 feet of the public sewer. In the event that, during said period of ninety (90) days, the said owner

shall file his written objections with the Superintendent of Public Works against so being required to install said facilities the City shall not enforce the provisions of this (section) upon said owner, so filing his objections until the common Council shall have, at a meeting thereof, heard the objections of said owner and rendered its decision thereon. The said meeting of the Council shall be held not less than ten (10) days nor more than forty-five (45) days from and after the date set by the filing of said objections with the Superintendent of Public Works. Not less than seven (7) days prior to the date set by the Council for said meeting, the Superintendent of Public Works shall give due notice of the date set therefor to said owner. The decision of the Council shall be final, and no appeal shall be taken therefrom by said owner except as is provided by law.

At such times as the public sewer becomes available to a property served by a private sewage disposal system, 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 facilitates shall be abandoned and filled with approved granular material.

Section 4. Private Sewage Disposal

Where a public sanitary sewer is not available, the building sewer shall be connected to a private sewage disposal system complying with the requirements of the Oregon State Department of Environmental Quality, the Oregon State Board of Health, the Plumbing Code of the State of Oregon, and Clackamas County.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times and at no expense to the City of Canby.

The provisions of this section shall be in addition to and not in derogation of the requirements of general law.

Section 5. Construction Plans; Review and Approval

Detailed construction plans and specifications for proposed public and private sewers shall be prepared by a professional engineer registered in the State of Oregon, and shall be subject to review and approval by the City and Department of Environmental Quality. Each person shall notify the City in writing of their intention to prepare such construction plans and specifications delineating the boundaries of the areas to be severed by map, sketch, or written description. Within ten (10) calendar days following receipt of such notice, the City shall make a written request for the submission of such plans and specifications. The 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 person with approval or required changes indicated. If said plans and specifications are disapproved, the required changes shall be made by the 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 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 not approved such plans and specifications and will not issue a construction permit.

Section 6. Construction Standards

Construction of private sanitary sewers within the City shall conform to these rules and regulations and to the standards for sanitary sewer construction in the City of Canby, Oregon (construction standards), together with all amendments thereof or hereafter adopted. Copies of the construction standards are available at the office of the Superintendent of Public Works for viewing.

Section 7. Type of Sewage 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.

Section 8. Flow Allowances

The design criteria for new public sewers, private sewers and extension of existing sewers shall be such that the total daily flow other than sewage shall be 1,500 gallons per acre per day.

Section 9. General

The construction of new public sewers, private sewers and extensions of existing sewers shall, under the jurisdiction of the City, fully conform to these rules and regulations, construction standards, and the requirements of the Oregon State Board of Health and Department of Environmental Quality. In the event of conflict, the highest applicable standard shall govern.

Section 10. Inspection

The City will provide an inspector or inspectors on all new sanitary sewer construction within the City to insure compliance with these rules and regulations and the specifications under which they are to be constructed. 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. Day-to-day 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 precaution 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 person responsible for the construction when, in the opinion of the Superintendent of Public Works, 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 therefor, the person shall immediately take such actions as may be necessary to insure compliance.

Each 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 person installing new sanitary sewers. The cost for inspection services shall be on a per diem basis determined by the Superintendent of Public Works at the time the permit is issued to perform the work.

The construction of the sewers shall be under the supervision of the Superintendent of Public Works. At the completion of the construction, the Superintendent of Public Works shall certify, in writing, to the City that such construction complies with these rules and regulations and the plans and specifications therefor.

Section 11. Powers and Authority of Inspectors

The Superintendent of Public Works and other duly authorized employees of the City of Canby, bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance.

Section 12. Building Sewers and Connections

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit, signed by the Superintendent of Public Works. The application for such permit shall be made on forms furnished by the City of Canby, which applicant shall supplement by any plans, specifications and other information as is deemed necessary by the Superintendent of Public Works.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent of Public Works. The City shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent of Public Works when the work is

ready for final inspection and before any underground portions are covered. The inspection shall be made forthwith upon receipt of notice that the work is ready for final inspection.

The applicant for the building sewer permit shall notify the Superintendent of Public Works when the building sewer is ready for inspection, and shall specify in such notice the location of the premises. In the event that the work or material used is not in accordance with the provisions of this ordinance, the inspector shall notify the person doing the work and also the owner of the premises by posting a written notice upon the premises; and such posted notice shall be all the notice that is required to be given of the defects in the work or material found in such inspection; and a copy of such notice shall be kept on file in the office of the Superintendent of Public Works. In the event such defects are not corrected within thirty (30) days of such posted notice, the Superintendent of Public Works or his representative, if in his/her opinion such defective work is detrimental to the public sewer or public sewage system, may order or cause the said defects to be corrected; and the actual cost of such correction shall be chargeable to the owner as a service charge, and shall be a lien upon the property served by such building sewer. No trench shall be filled nor any connecting sewer covered until the work from the place where the same connects with the public sewer or other outlet to the point where it connects with the building drain or other plumbing of the building or premises to be connected shall have been inspected or approved by or under the direction of the Superintendent of Public Works and until the same shall have been made in all respects to conform to the provisions of this ordinance.

In any case, the owner or agent shall make application on a special form furnished by the City; and upon the filing of said application, said owner or agent shall pay to the City a permit fee for the right of the applicant to hook to the public sewer.

Section 13. Building Sewer Requirement and Standards

Construction of building sewers shall conform to this ordinance and to the state plumbing code and any other applicable regulations or codes as may be adopted. Copies of the state plumbing code and other applicable regulations or codes are available at the office of the Superintendent of Public Works for viewing.

Section 14. License of Sewer and Septic Tank Worker

No person shall construct or attempt to construct a sewer connection within the City of Canby until he has first obtained a license as a sewer worker. No person shall engage in septic tank cleaning, construction or repair within the City of Canby until he has first obtained a license as a septic tank worker. State requirements for licensing shall be followed.

Section 15. 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 a size and type approved by the Superintendent of Public Works.

Section 16. Basement Service

Building sewers serving buildings with a basement 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. Backflow devices shall be installed in all building sewers serving new buildings with basements or new buildings serving existing buildings with basements and the cost will be borne by the owner.

Section 17. Building Sewers and Laterals

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 Superintendent of Public Works, to meet all requirements of this ordinance.

Building sewers shall be of a material and type approved by the Oregon State Specialty Plumbing Code and shall meet the same requirements with regard to quality of materials and workmanship as the rest of the sanitary system. A clean-out shall be installed to within twelve (12) inches of the ground surface and connected at the joint of the building sewer and the City lateral. The invert of the building sewer shall be at the same or higher elevation than the invert of the lateral at the point of connection.

No trees shall be planted or allowed to mature in that portion of a City right-of-way within ten (10) feet of a sewer lateral.

All building sewers shall be laid on not less than two (2) per cent grade; shall be not less than five (5) feet from any building, unless otherwise approved by the Superintendent of Public Works; shall have not less than four (4) feet, six (6) inches of cover at the curb line, eighteen (18) inches at the property line and twelve (12) inches inside the property line, and shall be not less than six (6) inches in diameter from the public sewer to the property line, nor less than three(3) inches in diameter inside the property line; provided, the Superintendent

of Public Works may, where conditions in the opening require, specify larger building sewers than herein provided. Not more than one building shall be connected with a building sewer; except where such connection is made inside the property line and the owner or owners of the premises connected shall make and file in the Office of the City Recorder an easement for the purpose; or except where connection is to an existing building sewer within a public street and written permission from the owner or owners of the premises served by such building sewer has been filed with the Superintendent of Public Works and approved by him/her. All excavation for building sewer installations shall be adequately guarded with a barricade 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 Superintendent of Public Works at the expense of the property owner.

All excavation required for the installation of a building sewer shall be open trench work, unless otherwise approved by the Superintendent of Public Works. Pipe laying and backfill shall be performed in accordance with regulations of the Oregon State Sanitary Authority, Oregon State Plumbing Code, and other applicable codes.

The connection of the building sewer into the public sewer shall be made at a service connection lateral extended to the right-of-way line of a public thoroughfare. If no such lateral already exists from a sewer main, the Superintendent of Public Works shall cause the installation of one or more laterals in keeping with the following standards:

A. Previously Developed Lots

The City shall install, at its expense, a service connection lateral to each previously developed lot where the existing development has utilized an on-site sewage disposal system and the other requirements for sewer connection have been met.

B. Vacant Lots

The City will install, by request, at the expense of the owner, laterals to undeveloped lots. Owners will be billed for all costs including labor, equipment, materials, bookkeeping, and any other costs directly attributable to the requested installation. An exception shall be made in the case of any vacant lot in a subdivision where it is found that the construction of laterals did not conform to the construction plans or "as-built" plans on file in the Public Works Department. In such cases the superintendent shall authorize the construction of a lateral at City expense.

C. Vacant Tracts

The Superintendent of Public Works shall, in order to avoid later street cuts and related construction difficulties, cause the construction of sewer laterals to serve vacant tracts and large undeveloped areas. To determine the correct number and proper location of such laterals the superintendent shall utilize the Land Use Map of the Comprehensive Plan to determine the probable ultimate development of the site. The Superintendent of Public Works shall file with the City Recorder a statement of costs for such lateral construction. Such costs, plus interest at the rate of 8% per annum, shall be added to the City's customary sewer connection charge.

The City shall be responsible for the general maintenance of service connection laterals but shall bear no responsibility for the repair or maintenance of private building sewers. In any case where City crews are called upon to make repairs to a lateral and such repairs also include work done on the building sewer, the property owner shall be billed for any and all work undertaken as a result of a blockage which was located on private property.

Section 18. Point of Connection

Building sewer connections shall be made on the house side of the septic tank.

Section 19. Restricted Connections

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other source of surface run-off or ground water, either directly or indirectly, to a sanitary sewer.

Section 20. 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 and securing a permit therefor.

Section 21. Residential

A residential permit shall be issued for single-family dwellings.

Section 22. Building Sewer Costs

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

PART II - RATES AND CONNECTION FEES

Section 23. Sewer Connection Charges Levied and Imposed

A. What is a Connection Charge?

All sewer connection charges and any other development-related charges shall be imposed in accordance with the City's most current Systems Development Ordinance and implementing resolutions.

B. What the Connection Charge is Based On.

The service connection charge is levied upon a property based upon the existing or intended use of the property at the time of application for connection. If the property is improved, expanded, subdivided or otherwise modified so as to increase the connection charge due from that property, a service connection charge shall be levied for the modified portion of the property based upon connection charges in effect at the time of modification.

C. Dwellings Than Cannot be Served

Dwellings that cannot be served by gravity flow to the sanitary sewer shall not be subject to the sewer connection charges provided by this ordinance, unless lesser charges for such dwelling are enacted by resolution of the City Council.

D. Abutting a Right-of-Way with Sanitary Service

Any dwelling that is on property abutting any street, alley or right-of-way in which there is located a sanitary sewer of the City of Canby and, that by reason of ordinance, resolution or motion duly adopted by the City Council, is not required to connect to the sewage system, shall not be subject to the sewer connection charges provided by this ordinance.

Section 24. Rates for Connection Charges

The City Council shall by resolution, establish appropriate rates and methodologies to be charged for connecting to the City sewer system. Such rates shall differentiate between various types of users or activities with discharge into the sewage system.

Section 25. Deferral of Sewer Connection Charges

Requirements and procedures for the deferral of sewer connection and collection sewer charges shall be in accordance with the following:

A. Eligibility

The developer of any property whose connection charge, if any, exceeds the sum of \$5,000.00 shall be eligible to apply to pay such charges for such property in installments on a schedule appended hereto as Table I; provided however, that if the collection sewer charge is payable by the City to someone other than the City pursuant to an agreement between the City and such person to reimburse such person for all or a portion of the cost of constructing a sewer line extension, the collection sewer charge shall not be eligible to be paid in installments nor shall it be considered in determining whether the connection charge is eligible to be paid in installments. The City reserves the right to reject any application for deferral of the connection charge.

B. Application

Any eligible developer of property desiring deferral of the payment of the connection charge shall, at the time of application for connection, submit to the City an application requesting deferral on a form provided by the City.

C. Title Report

Upon receipt of an application, the applicant shall order a preliminary title report from a title insurance company doing business in Clackamas County, Oregon.

D. Lienholders

The applicant, at his expense, shall furnish the City with a current statement of amount due to each lienholder disclosed by the Preliminary Title Report of the title insurance

company, and for property proposed for improvement, an MAI appraisal certified by the appraiser as to the estimated fair market value upon completion of the proposed improvement. The applicant shall answer such questions as the City deems proper regarding the applicant's ability to pay the deferred connection charge and any other lienholder regarding applicant's payment history.

E. Appraisal

If, upon examination of the title to the property and the appraisal report, the City is satisfied:

1. That the total unpaid amount of all liens disclosed, together with the amount of connection charge sought to be deferred, does not exceed the appraised value of the property as determined by the current appraisal of the County Assessor, or if the City elects, based upon the appraisal or other evidence of value acceptable to the City, the total unpaid amount of all liens disclosed, together with the amount of the connection charge sought to be deferred, does not exceed the estimated fair market value of the property when the proposed improvement is completed; and

2. That the applicant can execute a mortgage covering the property which will be a valid lien on the fee thereof. The applicant shall execute a mortgage in the form appended hereto as Table II and the City shall issue a connection permit. Said lien shall be enforced in the manner provided by ORS Chapter 223.

F. Evaluation of Value

If the City determines that the amount of connection charge, together with all other unpaid liens, exceeds the appraised value or anticipated appraised value of the property, or that the applicant cannot execute a mortgage which will be a valid lien, or that the applicant cannot make the required payments, it shall so advise the applicant.

G. Due and Payable

The deferred connection charge shall be due and payable the first days of January and July of each year together with interest on deferred principal balances at the rate of ten percent (10%) per annum, which interest shall be the full and only compensation to the City for its administrative costs. Interest shall be paid in addition to each principal payment on the dates said principal payments are made. If the applicant is approved for a deferred payment schedule, a minimum of \$1,200.00 shall be paid immediately upon connection to the sewer. The remaining balance of the initial assessment shall then be computed into equal semi-annual payments, per schedule set forth in Table I, with the first payment due six (6) months after the initial connection.

TABLE I

The following schedule shall apply to deferred payment for sewer connection charges:

<u>Amount to be Financed (Initial Assessment)</u>	<u>Maximum amount of semi- annual payments</u>
\$ 5,000 - \$10,000	14
\$10,001 - \$15,000	16
\$15,001 - \$20,000	18
over \$20,000	20

TABLE II

**CITY OF CANBY
SERVICE CONNECTION MORTGAGE**

THIS MORTGAGE is made this ____ day of _____, 19 __, between _____, herein called "Mortgagor" and the City of Canby, Oregon, herein called "City".

City has imposed a connection charge of \$ _____ on Mortgagor for the privilege of connecting to the City's sewerage system, the following described real property:

SEE ATTACHED PROPERTY DESCRIPTION, EXHIBIT "A"

Mortgagor desires to defer the payment of the connection charge and the City has agreed to such deferral. Mortgagor agrees to pay to the City the service charge of \$ _____ in not less than ____ () equal installments of \$ _____ each on the first days of January and July of each year together with and in addition to each said installment, interest on unpaid principal balances existing at any principal payment date at the rate of ten percent (10%) per annum on each principal payment date. Interest shall be paid in addition to each principal payment.

To secure the aforesaid sum, the Mortgagor conveys to the City the above-described real property and Mortgagor covenants to and with City that Mortgagor is the owner thereof and that Mortgagor will warrant and defend the same from the claims of all persons.

Mortgagor covenants and agrees to commit no waste on the premises and to pay all taxes and assessments thereon promptly when due and before the same become delinquent.

NOW, THEREFORE, if the covenants herein shall be performed as agreed, this conveyance shall be void. But, in case default shall be made in payment of the principal or interest when either principal or interest shall become due or in any covenant herein, then the whole sum shall immediately become due and payable and the City may foreclose this mortgage at any time thereafter.

In any suit to foreclose this mortgage, or in any suit which the City defends to protect the lien thereof, the Mortgagor agrees, in addition to any sum due on the foregoing obligation at the time such suit is commenced, to pay a sum of money as reasonable attorney's fees to be set by the court hearing said suit or any appeal therefrom and the costs and disbursements allowed by the Code of Civil Procedure, and further agrees to pay such reasonable costs of searching records and abstracting the same as may be incurred by the City in foreclosing or defending this mortgage.

In this instrument, the masculine shall be deemed to include the feminine and the singular the plural where such connotations are applicable herein.

IN WITNESS WHEREOF, the Mortgagor has set his hand the day and year first hereinabove written.

MORTGAGOR

STATE OF OREGON)
) ss. Date: _____
COUNTY OF CLACKAMAS)

Personally appeared the above named _____ and acknowledged the foregoing instrument to be _____ voluntary act and deed.

BEFORE ME:

Notary Public for _____
My Commission Expires: _____

Section 26. Charges for Sewer Service Levied and Imposed

A. Rates

All users of the City's sewage system shall pay to the City the rates for sewer service as provided by this ordinance.

B. Not Serviceable

Dwellings that cannot be served by gravity flow to the sanitary sewer shall not be subject to the sewer service charges provided by this ordinance, unless lesser charges for such dwellings are enacted by resolution of the City Council.

C. Abutting a Row With Service

Any dwelling that is on property abutting any street, alley or right-of-way in which there is located a sanitary sewer of the City of Canby and that, by reason of ordinance, resolution or motion duly adopted by the City Council, is not required to connect to the sewage system, shall not be subject to the sewer service charges provided by this ordinance.

D. When Levied (existing)

When sewer service is initially provided to existing dwellings, said sewer service charge shall first be levied for the month following the first month in which dwellings are permitted to be connected to the sewer.

E. When Levied (new)

When new dwellings are served by the sewage system, said sewer service charge shall first be levied for the month following the first month in which the dwelling is occupied or utilized by personnel not associated with the construction of the dwelling.

F. Based on Availability

Sewer service charges are to be levied and imposed based upon the availability of sewer service, and are not dependent upon the owner's schedule for connecting to the sewer system after said system is available.

G. Minimum Service

The minimum sewer service for an individually billed service shall be equal to the charge for a residential service.

H. Who is Billed

Sewer service charges shall be billed to any dwelling showing connection to the City sewer and either water use or electric power use.

I. Property Owner Responsibility

Sewer service charges may be billed to an occupant; however, the property owner shall be ultimately responsible for all sewer service charges to his property.

Section 27. Rates for Sewer Service

The City Council shall by resolution, establish appropriate rates to be charged for monthly sewer service. Such rates shall differentiate between the various types of uses or activities which are connected to the sewage system.

Section 28. Special Rates and Other Fee Schedules

The City Council shall by resolution, establish appropriate rates to be charged for, but not limited to, extra-strength rates, resampling fees and Industrial Waste Discharge Permit fees. Such rates shall differentiate between the various types of uses or activities which require special fees.

Section 29. Collection

A. Who Collects

The officer or agent who has been duly designated and authorized by the City Council to receive payments for sewer charges and connection charges, as provided for herein, is hereby directed to collect such charges.

B. Where Paid

Sewer service fees shall, as and when collected, be paid into a fund designated as the Sewer Fund and connection charges shall, as and when collected, be paid into a fund designated as the Sewer Reserve.

C. Delinquent Charges

Sewer service charges, as hereinafter provided, shall be collected monthly; and if not paid on or before fifteen (15) days after the billing, said charges shall be deemed delinquent.

Section 30. Prohibited Practices

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner upon public or private property within the City of Canby, or in any area under the jurisdiction of said City, any human or animal excrement, garbage or other objectionable waste.

It shall be unlawful to discharge into any outlet within the City, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Section 31. Interference with Operation of Sewerage 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. Any person violating this provision will be subject to immediate arrest.

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

PART III - REGULATION OF INDUSTRIAL WASTES

Section 32. Declaration of Policy

It is the policy of the City of Canby to provide the planning, engineering and administration necessary to develop and manage sewer facilities that are adequate for the transportation, treatment and disposal of wastes from within the City and to operate the sewer system in a manner which protects public health and the environment. In carrying out this policy, the objectives of this ordinance are:

A. To Prevent Contamination

To prevent pollutants from entering the sewer system which will interfere with its normal operation or contaminate the resulting sludge;

B. To Protect the Environment

To prevent the introduction of pollutants into the sewerage system which will not be adequately treated and will pass through into the environment; and

C. Continued Reclamation

To improve the opportunity for recycling and reclamation of wastewater and sludge. It is the intent of the City to provide needed sewer service to all users while meeting the outlined objectives. This ordinance provides the structure by which the service will be provided for industrial wastewater discharge so that the system is protected and can continue to provide efficiently for the waste treatment needs of the City.

Section 33. General Discharge Prohibitions

A. Unlawful to Discharge Industrial Wastes

It is unlawful to discharge industrial wastes into the City sewer system except in compliance with this section, and sections 34, 35, 36, 37, 38, 39, 40

B. Prohibited Discharges

It is unlawful to discharge, cause to discharge or allow to discharge directly or indirectly into the City sewer system any of the following:

1. Waters or wastes containing substances in such concentrations that they inhibit or interfere with the operation or performance of any sewage treatment process, are not amenable to treatment or reduction by the sewage treatment process employed, or are only partially amenable to treatment such that the sewage treatment plant effluent cannot meet the requirements of any agency having jurisdiction over its discharge to the receiving waters or that prevents the use or disposal of sewage treatment plant sludge in accordance with applicable State and Federal regulations.

2. No discharge to the POTW shall result in toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to cause fire or explosion or be injurious in any other way 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 any point in the system), be more than 5 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, benzene, naphtha, alcohols, fuel oil, mineral oil and other flammable or explosive substances.

3. Any solid or viscous substances capable of obstructing sewage which will or may cause obstruction to the flow of sewage or other interference with the operation of the sewage works or treatment facilities. These substances include, but are not limited to, ashes, cinders, sand, mud, straw, insoluble shavings, metal, glass,

rag, feathers, tar, creosote, plastics, wood, animal paunch contents, offal, blood, bones, meat trimmings and wastes, fish or fowl heads, entrails, trimmings and wastes, lard tallow, baking dough, chemical residues, paint residues, cannery waste bulk solids, hair and fleshings, or plastic or paper dishes, cups or food or beverage containers, whether whole or ground.

4. Any noxious or malodorous liquids, gases, solids or other substances which either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life or prevent entry into a sewer or pump stations.

5. Any water or waste containing a hazardous or toxic material or in reaction with other substances, to injure or interfere with any sewage treatment process; to constitute a hazard to humans or animals; or to create a hazard in, or adversely affect the receiving waters; or result in unacceptable concentrations of these substances being discharged in combined sewer overflows or sewage treatment plant effluent.

6. Pollutants which result in toxic gases, vapors, or fumes within the POTW in a quantity or concentration that may cause acute worker health and safety problems.

7. Any wastes, waste water or substances having a pH less than 6.0 or more than 10.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewer system. This includes, but is not limited to, battery or plating acids and wastes, copper sulfate, chromium salts and compounds, or salt brine.

8. 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 introduction into the POTW treatment plant which exceeds 40 degrees C (104 degrees F). If in the opinion of the City, lower temperatures of such wastes could harm either the sewers, sewage treatment process, or equipment; having an adverse effect on the receiving streams or otherwise endanger life, health, or property; or constitute a nuisance, the City may prohibit such discharges.

9. Any material from a cesspool or septic tank, except such material received at a City treatment plant under City contract.

10. Any substance which may solidify or become discernible viscous at temperatures above 0 degrees Celsius (32 degrees Fahrenheit).

11. Any garbage that has not been properly comminuted to 0.65 centimeters (1/4 inch) or less in any dimension.
12. Any slugload, which means any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a single discharge episode of such volume or strength as to cause interference to the sewer system.
13. Any substances with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
14. Any wastewater which causes a hazard to human life or creates a public nuisance.
15. Any unusual concentrations or inert suspended solids which may interfere with the operation of the sewer system such as, but not limited to, fuller's earth, lime slurries, or lime residue.
16. Any unusual concentrations of dissolved solids which may interfere with the operation of the sewer system, such as, but not limited to, sodium chloride, calcium chloride, and sodium sulfate.
17. Any radioactive material, except in compliance with the current "Oregon Regulations for the Control of Radiation" (OAR 333-22-150 or amendments thereto).
18. Any substances which may cause the sewer treatment plant's effluent or treatment 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 sewer system cause the City to be in noncompliance 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 standards applicable to the sludge management method being used.
19. Wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit (the RCRA ignitability standard for liquid characteristic waste, using the test methods specified in 40 CFR 261.21).
20. Discharges containing petroleum oil, nonbiodegradable cutting oil, or products of mineral origin in amounts that cause pass through or interference.
21. Any trucked or hauled pollutants to the POTW or collection system except at discharge points designated by the POTW.

A Discharger shall have an affirmative defense in any action brought against it alleging a violation of the above prohibitions if it can make the appropriate demonstrations outlined in 40 CFR 403.5 (a)(2)(i)&(ii).

Section 34. Discharge Limitations

A. Excess of Permit

It is unlawful for any industrial user to discharge wastes into the sewer system in excess of limitations specified in its industrial waste discharge permit or to violate the prohibitions established in any section of this Ordinance. Conventional pollutant violations will be subject to a treatability analysis and if found untreatable, may be levied a regular extra strength charge or other penalties as defined in the Discharge Permit.

B. Establish Limitations

The Superintendent of Public Works shall establish Industrial Waste Discharge Permit limitations to the extent necessary to enable the City to comply with its current NPDES permit, EPA's general pretreatment regulatory requirements published in 40 CFR 403 and amendments thereof and the Oregon State Department of Environmental Quality; to protect the public health and safety; to protect the receiving water quality; to protect the sewer system; and to comply with all other applicable Federal and State laws. Existing and future pretreatment standards for existing and new sources promulgated by the Environmental Protection Agency under the authority of the Clean Water Act (PL95-217), along with any future revisions or related legislative mandate, are incorporated herein by reference as a means of complying with Federal and State pretreatment requirements and will be included as discharge limitations in Industrial Waste Discharge Permits issued to affected industries.

C. Concentrates

It is unlawful to discharge into the sewer system, concentrations of materials in excess of limitations established by City Council, unless the discharger has an effective Industrial Waste Discharge Permit which establishes different limits. In no case shall the city provide any waiver to a discharger covered by EPA's Categorical Pretreatment Standards. The City Council shall by resolution establish technically based local discharge limits for conventional and nonconventional pollutants.

D. Dilution

It is unlawful for a discharger to add or increase the use of potable or process water as a partial or complete substitute for adequate treatment to achieve compliance with the standards and limitations set forth in this chapter or in an Industrial Waste Discharge Permit issued pursuant to the Ordinance.

Section 35. Pretreatment Facilities

A. Process Adjustments

If, as determined by the Superintendent of Public Works, treatment facilities, operation changes or process modifications at an industrial discharger's facility are needed to comply with any requirements under this Ordinance or are necessary to meet any applicable State or Federal requirements, the Superintendent of Public Works may require that such facilities be constructed or modifications or changes be made within the shortest reasonable time, taking into consideration construction time, impact of the untreated waste on the City sewer system, economic impact on the facility, impact of the waste on the marketability of the City treatment plant sludge, and any other appropriate factor.

B. Permit Requirements

Any requirement in Section 35 (A) may be incorporated as part of an Industrial Waste Discharge Permit, Compliance Order, or any enforcement action issued under Section 37 and made a condition of issuance of such permit or made a condition of the acceptance of the waste from such facility.

C. Plans and Specifications

Plans, specifications and other information relating to construction or installation of preliminary treatment facilities required by the Superintendent of Public Works under this Ordinance shall be submitted to the Superintendent of Public Works. No construction or installation thereof shall commence until written approval of plans and specifications by the Superintendent of Public Works is obtained. No person, by virtue of such approval, shall be relieved of compliance with other laws of the City and of the state relating to construction and to permits. Every facility for the preliminary treatment or handling of industrial wastes shall be constructed in accordance with the approved plans and specifications, and shall be installed and properly operated and maintained at the expense of the occupant of the property discharging the industrial waste.

D. Sampling Manhole

Any person constructing a pretreatment facility as required by the Superintendent of Public Works, shall also install and maintain at his own expense a sampling manhole or other suitable monitoring access for checking and investigating the discharge from the preliminary treatment facility to the public sewer. The sampling manhole or monitoring access shall be placed in a location designated by the Superintendent of Public Works and in accordance with specifications approved by the Superintendent of Public Works.

Section 36. Reporting Requirements

A. Periodic Compliance Reports

1. Any discharger that is required to have an industrial waste discharge permit pursuant to Section 37 shall submit to the Superintendent of Public Works during the months of June and December, unless required on other dates or more frequently by the Superintendent of Public Works a report indicating the nature of the effluent over the previous reporting period. The report shall include a record of the concentrations (and mass if specified in the permit) of the limited pollutants that were measured and a record of all flow measurements (average and maximum) taken at the designated sampling locations, and shall also include any additional information required by this ordinance, the permit, rules adopted by the city or as requested by the Superintendent of Public Works. Production data shall be reported if required by the permit. Both daily maximum and average concentration (or mass, where required) shall be reported. If a discharger sampled more frequently than what was required in its permit, it must submit all results of sampling and analysis of the discharge during the reporting period.

2. Any discharger subject to equivalent mass or concentration limits established by the city in accordance with procedures established in 40 CFR 403.6(c) shall submit as part of its report a reasonable measure of the discharger's long term production rate.

3. If the city calculated limits to factor out dilution flows or nonregulated flows, the discharger will be responsible for providing figures for the regulated process flows, dilution flows and nonregulated flows.

4. The reports shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of the normal work cycles and expected pollutant discharges to the city sewer system.

5. Flows shall be reported on the basis of actual measurement; provided, however, that the Superintendent of Public Works may accept reports of average and maximum flows estimated by verifiable techniques if the Coordinator determines that an actual measurement is not feasible.

6. Where the discharger will conduct self-monitoring, the frequency of monitoring shall be as prescribed within the industrial waste discharge permit. At a minimum, significant users shall sample their discharge at least twice per year.

7. Sampling shall be representative of the dischargers daily operations and shall be taken in accordance with the requirements specified in 40 CFR 403.12(b)(5) (iii) & (v). Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling

and analytical techniques for the pollutant in question, or where the EPA Administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the city or other parties, approved by the Administrator.

8. The Public Works Superintendent may require reporting by dischargers that are not required to have an industrial discharge permit if information or data is needed to establish a sewer charge, determine the treatability of the effluent or determine any other factor which is related to the operation and maintenance of the sewer system.

9. The Public Works Superintendent may require self-monitoring by the discharger or, if requested by the discharger, may agree to perform the periodic compliance monitoring needed to prepare the periodic compliance report required under this section. If the Public Works Superintendent agrees to perform such periodic compliance monitoring, he or she may charge the discharger for such monitoring, based upon the costs incurred by the City for the sampling and analyses. Any such charges shall be added to the normal sewer charge and shall be payable as part of the sewer bills. The Public Works Superintendent is under no obligation to perform periodic compliance monitoring for a discharger.

B. Final Compliance Report

Within 90 days following the date for final compliance by the discharger with applicable pretreatment standards and requirements set forth in this Ordinance or rules adopted hereunder or an industrial wastewater discharge permit, or within 30 days following commencement of the introduction of wastewater into the city sewer system by a new source discharger, any discharger subject to this ordinance shall submit to the Public Works Superintendent a report containing the information outlined in Paragraph A (1)-(5) of this Section.

The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and pretreatment is necessary to bring the discharger into compliance.

C. Compliance Schedules/Progress Reports

In cases whereby dischargers are in noncompliance with any requirements of this ordinance compliance schedules shall be established in the dischargers permit or in compliance orders. The shortest schedule to achieve compliance will be established. Compliance schedules and progress reports shall be in accordance with 40 CFR 403.12 (c).

D. Notification of Changed Discharge and Hazardous Wastes

Any discharger shall promptly notify the City of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the discharger has submitted the initial notification under Paragraph K of this Section.

E. Notification of Significant Production Changes

Any discharger operating under an industrial waste discharge permit incorporating equivalent mass or concentration limits shall notify the City within two (2) business days after the discharger has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the City of such anticipated change will be required to comply with the existing limits contained in its permit.

F. Reporting Noncompliance with Discharge Limits and Repeated Sampling

If sampling performed by the any discharger indicates a violation, the discharger shall notify the city within 24 hours of becoming aware of the violation. The discharger shall repeat the sampling within 5 days and submit sample results within 30 days after becoming aware of the violation, unless the city will be performing compliance sampling within the 30 days.

G. Certification

All applications, reports, and reporting information shall be certified in accordance with 403.12 (b)(6) and signed by an authorized representative as outlined in accordance with 40 CFR 403.12 (l).

H. Confidential Information

1. Any records, reports or information obtained under this ordinance or rules adopted hereunder shall be made available to the public or any governmental agency without restriction, unless classified by the Public Works Superintendent as confidential.

2. Procedures for consideration of confidentiality and the release of confidential information are contained in 40 CFR part 2.

3. Wastewater constituents and characteristics will not be recognized as confidential information.

I. Accidental Spill Report

Within five (5) days following an accidental discharge as defined in Section 43 of this ordinance, the discharger shall submit to the Public Works 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.

J. Fraud and False Statements

Any reports required by this Ordinance or rules adopted thereunder and any other documents required to be submitted by the City or maintained by the discharger shall be subject to the enforcement provisions of this ordinance and any other applicable local and State laws and regulations relating to fraud and false statements. Additionally, a discharger shall be subject to the provisions of 18 U.S. Code Section 1001 relating to fraud and false statements, and the provisions of Section 309 of the Clean Water Act, as amended, governing false statements and responsible corporate officers.

K. Hazardous Waste Notification

Existing dischargers that are discharging 15 kilograms of hazardous wastes as defined in 40 CFR 261 (listed or characteristic wastes) in a calendar month or any facility discharging any amount of acutely hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) are required to provide a one time notification in writing to the city, EPA Regional Waste Management Division Superintendent, Oregon Department of Environmental Quality (DEQ) Hazardous Waste Division. Any existing discharger exempt from this notification, shall comply with the requirements contained herein within 30 days of becoming aware of a discharge of 15 kilograms of hazardous wastes in a calendar month or the discharge of acutely hazardous wastes to the city sewer system."

Such notification shall include:

1. The name of the hazardous waste as set forth in 40 CFR Part 2612,
2. The EPA Hazardous waste number; and
3. The type of discharge (continuous, batch, or other).
4. If an industrial user discharges more than 100 kilograms of such waste per calendar year to the sewer system, the notification shall also contain the following information to the extent it is known or readily available to the industrial user: a) an identification of the hazardous constituents contained in the wastes, b) an estimation of the mass and concentration of such constituents in the wastestreams discharged during that calendar month, and c) an

estimation of the mass of constituents in the wastestreams expected to be discharged during the following 12 months.

These notification requirements do not apply to pollutants already reported under the self-monitoring requirements under Section 36 (A).

Whenever the USEPA publishes final rules identifying additional hazardous wastes or new characteristics of hazardous waste, an industrial user shall notify the Superintendent of the discharge of such a substance within 90 days of the effective date of such regulations.

In the case of any notification made under this rule, an 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.

Section 37. Industrial Waste Discharge Permits

A. Industrial Waste Discharge Permit

1. Except as provided in Section 33 (2) (A) an industrial waste discharger shall have an Industrial Waste Discharge Permit prior to discharging into the City sewer system if:

a. The discharge is a new source or new discharge and is determined by the city to be a Significant Industrial User.

2. Existing discharges:

a. Dischargers, determined by the City to be Significant Industrial Users, that are in existence prior to the date that an Industrial Waste Discharge Permit is required shall be notified in writing by the Superintendent of Public Works that such a permit is required. Existing dischargers shall be allowed to continue discharging into the City sewer system without an Industrial Waste Discharge Permit until a permit is issued or denied, provided the discharger files a completed application for an Industrial Waste Discharge Permit within thirty (30) days of receipt of the notice.

b. Discharges that require an Industrial Waste Discharge Permit and are allowed to continue discharging without such a permit under Section 37 (2) (A) (a) shall comply with Sections 33, 34, 35, 36, 37, 38, 39 and 40.

B. Application for an Industrial Waste Discharge Permit

1. Application for an Industrial Waste Discharge Permit shall be made to the Superintendent of Public Works on forms provided by the Department of Public Works. The

application shall not be considered as complete until all information identified on the form is provided, unless specific exceptions are granted by the Superintendent of Public Works.

2. Completed applications shall be made within ninety (90) days of the date requested by the Superintendent of Public Works or, for new source dischargers, at least ninety (90) days prior to the date that discharge is to begin. The required ninety (90) day lead time for making application for a new discharge may be decreased by the Superintendent of Public Works if requested by the applicant for good and valid cause.

3. The application shall include, at a minimum:

- a. Disclosure of name, address, and location of the discharger;
- b. Disclosure of Standard Industrial Classification (SIC) number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- c. Disclosure of wastewater constituents and characteristics including but not limited to those mentioned in this ordinance, as determined by bonafide chemical and biological analyses with procedures established by the U.S. EPA and contained in 40 CFR, Part 136, as amended;
- d. Disclosure of time and duration of discharges, including copies of flow charts;
- e. Disclosure of average daily and maximum daily wastewater flow rates, in gallons per day, including daily, monthly and seasonal variations, if any. All flows shall be measured unless other verifiable techniques are approved by the City due to cost or feasibility.
- f. Disclosure of site plans, floor plans, plumbing plans and details to show all sewers,
- g. Description of activities, facilities and plant processes on the premises including all materials which are or may be discharged to the sewers or works of the City and a brief description of the nature, average rate of production, and Standard Industrial Classification of the operations.
- h. A statement regarding whether or not compliance is being achieved with this ordinance on a consistent basis and if not, whether additional operation and maintenance activities and/or additional pretreatment is required for the discharger to comply with this Ordinance.

- (i) Where additional operation and maintenance activities will be required to comply with this ordinance, the discharger shall provide a compliance schedule consisting of a declaration of the shortest schedule by which the discharger will provide such additional pretreatment and/or implementation of additional operational and maintenance activities.
 - (ii) The schedule will contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the discharger to comply with the requirements of this ordinance. Examples of such milestone dates which the discharger may select include hiring an engineer, completing preliminary plans, executing contracts for major components, commencing construction, completing construction, and other acts which may be necessary to achieve compliance with this ordinance.
 - (iii) Under no circumstances shall the City permit a time increment of any single step directed toward compliance which exceeds nine (9) months.
 - (iv) Not later than fourteen (14) days following each milestone date in the schedule and the final date for compliance, the discharger shall submit a progress report to the City, including no less than a statement as to progress represented by that milestone 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 discharger to return the construction to the approved schedule.
- i. Each product produced by type, amount, process or processes and rate of production.
 - j. Type and amount of raw materials used, including chemicals used in process which may be discharged to sanitary sewerage system (average daily and maximum daily).
 - k. List of environmental control permits held by or for the facility. The City will evaluate the completeness of the Application Form furnished by the discharger and may require additional information. The City may require inspection and sampling manholes and/or flow measuring or

recording and sampling equipment to assure compliance with this Ordinance.

C. Issuance of Industrial Waste Discharge Permits

Industrial Waste Discharge Permits will be issued or denied by the Superintendent of Public Works within thirty (30) days after a completed application is received.

D. Permit Conditions

1. Industrial Waste Discharge Permits shall contain conditions which meet the requirements of this ordinance as well as those of applicable state and federal laws and regulations and includes at least the following:

- a. Any fees and charges are to be paid upon initial issuance.
- b. Limits on the average and maximum wastewater pollutant concentrations, loadings, or characteristics.
- c. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization, as appropriate.
- d. Self monitoring requirements including flow monitoring frequency and method, sampling frequencies, number, types, and standards for tests, reporting, notification, and record keeping requirements based on applicable general pretreatment standards in 40 CFR Part 403, Categorical Pretreatment Standards, Local limits, and State law.
- e. Authorized points of discharge and regulated processes.
- f. Requirements for installation and maintenance of inspection and sampling facilities.
- g. Compliance schedules.
- h. Special conditions as the City may reasonably require such as sampling locations or circumstances of a given discharge.
- i. Reporting requirements.
- j. Requirements for submission of special technical reports or discharge reports where same differs from those prescribed by this ordinance.

- k. Any special agreements the City chooses to continue or develop between the City and the significant industrial discharger.
- l. Requirements for immediate notification to the authority where self-monitoring results indicate non-compliance.
- m. Requirement to report a by-pass or upset of a pretreatment facility.
- n. Requirement for the significant industrial user who reports noncompliance to repeat the sampling and analysis within 5 days and submit analysis to the authority within thirty (30) days after becoming aware of the violation; and
- o. Standard conditions as apply to all significant industrial dischargers.
- p. A statement of applicable civil and criminal penalties for violations of the permit.

2. If pretreatment facilities are needed to meet the discharge requirements in the discharge permit, the permit shall require the installation of such facilities.

3. Whenever an industrial user requires installation or modification of pretreatment facilities or process changes necessary to meet discharge standards or spill control requirements, a compliance schedule shall be included which establishes the date for completion of the pretreatment facilities or process changes and any appropriate interim dates. Interim dates shall be no more than one hundred eighty (180) days apart.

4. Discharge permits shall expire no later than five (5) years after the effective date of the permit.

5. The Superintendent of Public Works may deny the issuance of a discharge permit if, as determined by the, Superintendent of Public Works, the discharge will result in violations of City, State or Federal laws or regulations; will overload or cause damage to any portion of the City sewerage system; or will create an imminent or potential hazard to personnel.

6. Prior to issuance, Industrial Waste Discharge Permits shall have all connection, plan review, building permit, Industrial Waste Discharge Permit, and any other applicable fees paid in full.

7. Industrial Wastewater Discharge Permits are nontransferable and are issued to a specific discharger for a specific operation and are not assignable to another discharger without prior written approval of the City or transferable to any other location.

8. Permit reissuance: Any discharger issued an industrial waste discharge permit shall apply for renewal within ninety (90) days of the expiration of the existing permit. Upon timely application for renewal, an existing permit will remain in effect until replaced with a new permit.

E. Modification of Permits

1. An Industrial Waste Discharge Permit may be modified for good and valid cause at the written request of the permittee or at the discretion of the Superintendent of Public Works.

2. Permittee modification requests shall be submitted to the Superintendent of Public Works and shall contain a detailed description of all proposed changes in the discharge. The Superintendent of Public Works may request modification or assess its impact.

3. The Superintendent of Public Works may deny a request for modification if, determined the change will result in violations of City, State or Federal laws or regulations; will overload or cause damage to any portion of the City sewerage system; or will create an imminent or potential hazard to personnel.

4. If a permit modification is made at the direction of the Superintendent of Public Works, the permittee shall be notified in writing of the proposed modification at least thirty (30) days prior to its effective date and informed of the reasons for the changes. Any request for reconsideration shall be made before the effective date of the changes.

F. Change in a Permitted Discharge

A modification to the permittee discharge permit must be issued by the Superintendent of Public Works before any significant increase is made in the volume or level of pollutants in an existing permitted discharge to the City sewer system. Changes in the discharge involving the introduction of waste stream(s) not previously included in the Industrial Waste Discharge Permit application or involving the addition of new pollutants shall be considered as new discharges, requiring application under Section 37.

G. Standards Modification

All National Categorical Pretreatment Standards adopted by the U.S. EPA after the promulgation of this ordinance shall be enforced by the City through this ordinance. Where a discharger, subject to a National Categorical Pretreatment Standard, has not previously submitted a permit application as required, the discharger shall file a disclosure form with the City within 180 days after the promulgation of applicable National Categorical Pretreatment Standards by the U.S. EPA. In addition, any discharger operating on the basis of a previous

filing of a permit application, shall submit to the City within 180 days after promulgation of an applicable National Categorical Pretreatment Standard, the additional information required. If deemed necessary by the City, where National Categorical Pretreatment Standards are more stringent, the permit will be modified. The discharger shall be informed of any proposed changes in the Ordinance at least 30 days prior to the effective date of change. Any changes or new conditions in this ordinance shall include a reasonable time schedule for compliance

Section 38. Inspection and Sampling

A. Inspection

1. Authorized City representatives may inspect the monitoring facilities of any industrial waste discharger to determine compliance with the requirements of this ordinance. The discharger shall allow the City or its authorized representatives to enter upon the premises of the discharger at all reasonable hours, for the purpose of inspection, sampling, records examination, record copying, and photographic documentation. The City shall also have the right to set up on the discharger's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. The right of entry includes, but is not limited to, access to those portions of the premises that contain facilities for sampling, measuring, treating, transporting or otherwise handling waste, and storing records, reports or documents relating to the treatment, sampling or discharge of waste.

2. Conditions for entry:

- a. the authorized City representative shall present appropriate credentials at the time of entry;
- b. the purpose of the entry shall be for inspection, observation, measurement, sampling, testing or records examination in accordance with the provision of this ordinance;
- c. the entry shall be made at reasonable times during normal operating or business hours unless an emergency situation exists as determined by the Superintendent of Public Works;
- d. all regular safety and sanitary requirements of the facility to be inspected shall be complied with by the City representative(s) entering the premises.

B. Sampling

1. Samples of wastewater being discharged into the sewer system shall be representative of the discharge and shall be taken after treatment, if any, and before dilution

by other water. The sampling method shall be one approved by the Superintendent of Public Works and one in accordance with good engineering practice.

2. Samples that are taken by City personnel for the purposes of determining compliance with the requirements of this ordinance may be split with the discharger if requested (or a duplicate sample provided in the instance of fats, oils and greases) if requested before or at the time of sampling.

3. All sample analyses shall be performed in accordance with the procedures set forth in 40 CFR, Part 136 and any amendments thereto or with any other test procedures approved by the Administrator of The Environmental Protection Agency. If there are no approved test procedures for a particular pollutant, then analyses shall be performed using other validated procedures approved by the Superintendent of Public Works and, if the discharge is subject to a Categorical Pretreatment Standard, by the EPA Administrator.

C. Sampling Manhole or Access

The Superintendent of Public Works may require a discharger to install and maintain at the discharger's expense a suitable manhole in the discharger's branch sewer or other suitable monitoring access to allow observation, sampling and measurement of all industrial wastes being discharged into the City sewer system. It shall be constructed in accordance with plans approved by the Superintendent of Public Works and shall be designed so that flow measuring and sampling equipment may be conveniently installed. Access to the manhole or monitoring access shall be available to City representatives at all times.

Section 39. Spill Prevention and Control

A. Notification

Any person becoming aware of spills or uncontrolled discharges of hazardous or toxic substances or substances prohibited under Section 33 (2) directly or indirectly into the City sewer system or into a tributary to the City sewer system, shall immediately report such discharge by telephone to the Superintendent of Public Works, or to the police department after normal business hours. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume and corrective action(s). Any discharger who discharges slugs of prohibited materials shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines imposed on the city on account thereof under state or federal law. A written report of the event shall be submitted to the city as outlined in Section 36. Such written notification shall not relieve the discharger 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 discharger of any fines, civil penalties or other liability which may be imposed by this ordinance or applicable law.

B. Posted Notice

A notice informing employees of the notification requirement and containing a telephone number or individual to contact in the event of such a discharge shall be posted in a conspicuous place, visible to all employees that may reasonably be expected to observe such a discharge.

C. Preventive Measures

Direct or indirect connections or entry points which could allow spills or uncontrolled discharges of hazardous or toxic substances or substances prohibited under Section 33 (B) to enter the City sewer system shall be eliminated, labeled, or controlled so as to prevent the entry of wastes in violation of this ordinance. The Superintendent of Public Works may require the industrial user to install or modify equipment or make other changes necessary to prevent such discharges as a condition of continued discharge into the City sewer system. A schedule of compliance shall be established by the Superintendent of Public Works which requires completion of the required actions within the shortest reasonable period of time. Violation of the schedule without an extension of time by the Superintendent of Public Works is a violation of this ordinance.

D. Spill Prevention and Control Plans

1. Industrial users that handle, store or use hazardous or toxic substance or substances prohibited under Section 33 (2) on their site shall prepare and submit to the Superintendent of Public Works a spill prevention plan within ninety (90) days of the effective date of this ordinance. The plan shall be directed at preventing the entrance of such substances, directly or indirectly, into the City sewer system. It shall be available for inspection at the facility during normal business hours and shall include, but not be limited to, the following elements:

- a. a description of the potential points of entry into the City sewer system;
- b. a description of the measures to be taken to prevent entry at the described points before a spill occurs;
- c. measures to be taken to contain a spill if one occurs;
- d. a description of employee training in the prevention and control of spills; and

- e. compliance with all applicable State and Federal regulations. A valid spill prevention plan required under the Federal Clean Water Act may be acceptable in lieu of developing a new spill prevention plan, provided the plan addresses adequately the elements required.

Each discharger shall implement its Accidental Spill Plan as submitted after such plan has been reviewed and approved by the City. Review and approval of such plans and operating procedures by the City shall not relieve the discharger from the responsibility to modify its facilities or procedures as necessary to meet the requirements of this ordinance.

2. The Superintendent of Public Works may require revisions to an industrial waste discharger's spill prevention plan if the plan contains elements that are inadequate, as determined by the Superintendent of Public Works or the discharger has a spill or uncontrolled discharge of a hazardous or toxic substance or a substance prohibited under Section 33 (2) into the City sewer system.

E. Upset Provision

1. Effect of an upset: An upset shall constitute an affirmative defense to an action brought for noncompliance with applicable pretreatment standards if the requirements of paragraph (2 below) are met.

2. Conditions necessary for a demonstration of upset. A discharger who wishes to establish the affirmative defense or upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. an upset occurred and the discharger can identify the specific cause(s) of the upset;
- b. the facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures.
- c. the discharger has submitted the following information to the City within twenty-four (24) hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five (5) days and include the following:
 - (i) a description of the indirect discharge and cause of noncompliance;

- (ii) the period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
- (iii) steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

F. Burden of Proof

In any enforcement proceeding the discharger seeking to establish the occurrence of an upset shall have the burden of proof.

G. Discharger's Responsibility in Case of Upset

The discharger shall control production or all discharges to the extent necessary to maintain compliance with all applicable pretreatment standards and permit conditions 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.

H. Bypass of Treatment Facilities

1. Definitions:

- a. **bypass** shall mean the intentional diversion of wastestreams from any portion of a discharger's treatment facility.
- b. **severe property damage** shall mean substantial physical damage to property, damage to the treatment facility (POTW) 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.

2. Bypass not violating applicable pretreatment standards or requirements:

The discharger may allow any bypass to occur which does cause applicable pretreatment standards, discharge permit limitations, or local discharge limits to be violated, but only if it is also for essential maintenance to assure efficient operation. These bypasses are not subject of the provisions of paragraph (3) and (4) of this section.

3. Notice:

- a. if the discharger knows in advance of the need for a bypass, it shall submit prior notice to the City (Superintendent of Public Works), if possible at least ten (10) days before the date of the bypass.
- b. the discharger shall submit oral notice of anticipated bypass that exceeds applicable pretreatment standards, discharge permit limitations, or local discharge limits to the City (Superintendent of Public Works) within twenty-four (24) hours from the time the discharger becomes aware of the bypass. A 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 is expected to continue, and the steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The City may waive the written report on a case by case basis if the oral report has been received within twenty-four (24) hours.

4. Prohibition of Bypass

- a. bypass is prohibited, and the City may take enforcement action against the discharger for a bypass, unless;
 - (i) bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.
 - (ii) there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of the untreated wastes, or maintenance during normal periods of equipment downtime. this condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal equipment downtime or preventative maintenance; and
 - (iii) the discharger submitted notices as required under paragraph (3) of this section.

Section 40. Extra-Strength Industrial Waste Charges

A. Enabling Clause

All wastewater discharges into the City Sewerage System shall be subject to extra-strength sewage charges if found to be in excess of the pollutant limits established under

Section 34 (3) of this ordinance for conventional organic pollutants (Section I pollutants, Resolution No. 439 or any revisions thereof). The Superintendent of Public Works may establish limits of other pollutants which shall be subject to extra-strength sewage charges. These charges shall be based on the current cost of treatment to the pollutant subject to extra-strength sewage charges.

B. Basis of Extra-Strength Sewage Charges

1. **Concentration:** The Concentration, in milligrams per liter (mg/L) of each pollutant in excess of limits specified in Section 38 (C) and Local Limits established by Resolution No. 439 (or any revisions thereof) shall be used to define a need for extra-strength charges. The weekly average concentration shall be determined by sampling (either grab or 24-hour composite) the industrial discharge for three (3) days during one (1) calendar week, and taking the average concentration for that period. Some types of samples cannot be taken as a 24-hour composite, therefore they shall be a grab sample taken daily, for three days of a calendar week and averaged to determine the weekly average concentration. The monthly average concentration shall be determined by computing the average concentration of a pollutant for two (2) calendar weeks (minimum) sampling periods for a given month when other sampling requirements are not outlined in an Industrial Wastewater Discharge Permit. Industrial Wastewater Discharge Permits with other sampling requirements shall replace the monthly sampling periods.

2. **Mass:** The mass of a pollutant in pounds per day shall be the basis for determining an actual amount of extra-strength waste. The extra-strength sewage charges shall be based on the current cost of treatment for each specific pollutant. Extra-strength sewage charges shall be determined by the following equation:

Pounds Per Day Allowed (lbs/day allowed):

$$\text{Wastewater Flow} \times \text{Discharge Limit} \times 8.34 \text{ lbs/gallon} = \text{lbs/day allowed}$$

Pounds Per Day in Excess of Limit:

$$\text{Wastewater Flow} \times \text{Sampled Concentration} \times 8.34 \text{ lbs/gallon} = \text{discharge lbs/day found} - \text{lbs/day allowed} = \text{lbs/day in excess of limit}$$

Cost of Extra-Strength Charge:

$$\text{lbs/day in excess} \times \text{\$/lb (cost of treatment)} \times \text{\# days/month} = \text{Cost of extra-strength waste per month}$$

3. **Volume:** The volume used to bill the residential and commercial industrial user for both monthly service and extra-strength sewage charges shall be the total metered water supply to the premises. However, where the industrial wastewater is discharged separately from domestic wastewater, cooling waters, or other water used in an industrial process (and not discharged into the sewerage system), and the industrial user provides a flow meter or other acceptable method of determining the quantity of water not subject to extra-strength charges, then an appropriate allowance for such other uses shall be made. The allowance for domestic sewage shall be one thousand (1,000) cubic feet per nine (9) employees, unless this allowance is included in another measurement.

C. Other Charge Computations

If unusual effluent conditions make calculations by the composite sampling method impossible or unrealistic (to be determined by the Superintendent of Public Works), another method of sampling and computation acceptable to the Superintendent of Public Works and based on rates may be implemented.

D. Service Outside the City

No industrial waste or wastewater will be accepted in any form.

E. Billing

Extra-strength sewage charges shall be either included with the sewer bills or shall be billed separately by the City Recorder. Extra-strength charges shall be enforceable and collectable in the same manner as water and sewer charges. If such charges are not paid within ninety (90) days from and after billing, such nonpayment shall be cause for termination of water and/or sewer services.

F. Minimal Charges: Suspension

The Superintendent of Public Works may establish a limit for monthly extra-strength sewage charges. The billing for all accounts whose monthly extra-strength charges are below this limit, will be suspended until such time as they are found to be higher.

G. Adjustments

The Superintendent of Public Works may check sewage strength as outlined in this section and adjust charges where applicable at any time in accordance with the most recent compliance monitoring analysis.

H. Resampling Request: Fees

Any discharger may request the City to resample wastewater at no charge if eighteen (18) months or more have elapsed since the last compliance monitoring analysis. If less than eighteen (18) months have elapsed since the last compliance monitoring analysis, then requests for the City to resample wastes shall be submitted in writing to the Superintendent of Public Works. The discharger will be billed for the cost of labor and analysis, prior to resampling. Resampling will be conducted after payment of all resampling fees.

I. Termination or Limitation

Notwithstanding prior acceptance into the City sewer system or industrial wastes under this Section, if the Superintendent of Public Works finds that industrial wastes from a particular commercial or industrial occupancy or a class of wastes from similar commercial or industrial occupancies cause or may cause damage to the City sewerage system; interference with operation of the City sewerage system; or a nuisance or hazard to the City sewerage system, City personnel or the receiving water; then the Superintendent of Public Works may limit under this Section, or may terminate the acceptance. Notice of the limitation or termination shall be given in writing to the occupant of the property involved and shall specify the date when the limitation or termination is to be effective. It is unlawful for any person to discharge or permit the discharge of industrial wastes or wastewater in violation of this notice.

Section 41. Enforcement

This Section authorizes the development and implementation of an Enforcement Response Guide, Industrial Sampling/Inspection Procedures Manual, and an Industrial User Survey and any modifications or revisions thereof.

Any discharger that fails to comply with the requirements of this ordinance and any rules adopted hereunder or provisions of its industrial waste discharge permit may be subject to enforcement actions as prescribed below in addition to those developed by the Public Works Superintendent). The Public Works Superintendent is hereby authorized to adopt rules, procedures and forms to implement the provisions of this chapter.

A. Violations

1. A violation shall have occurred when any requirement of this ordinance has not been met or any requirement of rules or procedures as adopted by the city has not been met.
2. Each day a violation occurs or continues shall be considered a separate violation.

3. For violations of discharge limits, each parameter that exceeds a discharge limit shall be considered a separate violation; a violation continues until sample analyses demonstrate that the discharge limit is no longer being exceeded.

4. **Significant Noncompliance:** Significant noncompliance with applicable pretreatment requirements exists when a violation by any discharger meets one or more of the following criteria:

- a. **Chronic Violations:** Sixty-six percent or more of the measurements exceed the same daily maximum limit or the same average in a six-month period (any magnitude of exceedance);
- b. **Technical Review Criteria (TRC) Violation(s):** Thirty-three percent or more of all the measurements for each pollutant parameter taken during a six month period equal or exceed the product of the daily average maximum limit or the average limit times the applicable TRC (TRC =1.4 for BOD, TSS fat, oil, and grease, and 1.2 for all other pollutants except Ph);
- c. any other violation(s) of a pretreatment discharge permit limit or local effluent limit (average or daily maximum or long term average) that the City determines has caused alone or in combination with other discharges, interference or pass-through or endangered the health of POTW personnel or the general public;
- d. any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under Part III of this Ordinance to halt or prevent such discharge;
- e. failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in an Administrative or Judicial Order, for starting construction, completing construction, or attaining final compliance;
- f. failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance schedules;
- g. failure to accurately report noncompliance; or

- h. any other violation or group of violations which the City determines will adversely affect the operation or implementation of the local pretreatment program.

5. Violations of compliance schedule milestones contained in a enforcement order, for starting construction, completing construction, and attaining final compliance by 90 days or more after the scheduled date.

6. Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, 90-day compliance reports, and periodic reports) with 30 days from the due date.

7. Failure to accurately report noncompliance.

8. Any other violation or group of violations that the City considers to be significant.

B. Enforcement Mechanisms

1. In enforcing any of the requirements of this ordinance or rules or procedures adopted hereunder, the City may:

- a. Take civil administrative action (such as issuance of notices of violations, administrative fines, revocation of a permit) as outlined in separate rules and its Enforcement Response Procedures adopted under authority of this ordinance;
- b. Issue compliance orders;
- c. Cause an appropriate action (such as civil litigation, criminal prosecution) to be instituted in a court of competent jurisdiction;
- d. Terminate sewer service; or
- e. Take such other action as the Public Works Superintendent, in the exercise of his or her discretion, deems appropriate.

2. The type of enforcement action shall be based, but not limited by the duration and the severity of the violation; impacts on water quality, sludge disposal, interference of the POTW, worker health and safety; violation of the city's NPDES permit. Enforcement shall, generally, be escalated in nature.

3. Whenever the City finds that any discharger has violated any provisions of this Ordinance, rules adopted hereunder, or its waste discharge permit, it shall take appropriate enforcement action against the noncomplying industry based on the pattern established in its Enforcement Response Procedures. The discharger will be required to comply with all requirements contained in the enforcement document issued by the City to include such items as responding in a timely fashion to notices of violation letters (NOV's), compliance inquiry letters, or show cause hearings, and compliance with all terms of compliance orders or other enforcement mechanisms as established by the city.

C. Civil Penalties

Violations of this Ordinance or of rules and procedures adopted hereunder may result in assessment of civil penalty in the amount up to (\$2500) per day per violation. Failure to pay the penalty within 30 days following a final determination regarding the penalty is grounds for permit revocation or termination of the discharge.

D. Criminal Penalties

Any person who knowingly (1) violates this ordinance, rules or procedures adopted hereunder or any provision of a discharge permit or (2) makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance or a Discharge Permit or who knowingly falsifies, tampers with or renders inaccurate any monitoring device or method required under this ordinance or a Discharge permit, shall, upon conviction, be punished by a fine, not to exceed \$2500 or 30 days in jail, or both, for each day in which such violation occurs.

E. Termination or Prevention of a Discharge/Permit Revocation

1. Notwithstanding any other provisions of this Ordinance, the Public Works Superintendent may terminate or prevent a discharge into the City sewer system or revoke an Industrial Waste Discharge Permit if:

- a. The discharge or threatened discharge presents or may present an endangerment to the health or welfare of persons or the environment, or threatens to interfere with the operation of the POTW; or
- b. The permit to discharge into the City sewer system was obtained by misrepresentation of any material fact or by lack of full disclosure; or
- c. The discharge violates any requirement of this Ordinance or of an Industrial Waste Discharge Permit; or

- d. Such action as directed by a court of competent jurisdiction.

2. Notice of termination or prevention of discharge or permit revocation shall be provided to the discharger or posted on the subject property prior to terminating or preventing the discharge or revoking a permit.

- a. In situations that do not represent an imminent endangerment to health or the environment or an imminent treat of interference to the POTW, the notice shall be in writing, shall contain the reasons for the termination or prevention of the discharge or permit revocation, the effective date, the duration, and the name, address and telephone number of a City contact, shall be signed by the Public Works Superintendent, and shall be received at the business address of the discharger no less than 30 days prior to the effective date.
- b. In situations where there is an imminent endangerment to the health or welfare of persons or the environment or an imminent treat of interference to the POTW, the Public Works Superintendent may immediately terminate an existing discharge or prevent a new discharge from commencing and /or revoke a permit after providing informal notice to the discharger or after posting such notice on the subject property. Informal notice may be verbal or written and shall include the effective date and time and a brief description of the reasons.
- c. The Public Works Superintendent shall reinstate an industrial waste discharge permit which has been revoked under the terms of this Ordinance or shall reinstate industrial wastewater treatment service upon clear and convincing proof by the discharger of the elimination of the noncomplying discharge or conditions creating the treat endangerment or interference as set forth in this Ordinance.

F. Schedule of Penalties

Administration of fines for noncompliance shall be contained in the City's Enforcement Response Procedure. These procedures shall also establish a general guideline for establishment of a fine schedule.

G. Administrative Authority for Implementing this Ordinance

The Chief Administrative Officer is ultimately responsible for implementation of this Ordinance and the City's approved pretreatment program. By Ordinance, he/she may delegate authority to perform various program functions to staff within the city. The responsibilities of

various city staff for implementation of the pretreatment program and this ordinance is listed in the city's Enforcement Response Procedures.

H. Annual Publication

A list of dischargers that are subject to the definition of Significant Noncompliance shall be published annually in the newspaper of general circulation, summarizing the enforcement actions taken against the noncomplying dischargers during a prior twelve month period.

I. Cost Recovery

1. The Public Works Superintendent may recover all reasonable cost incurred by the City which are attributable or associated with violations of this Ordinance, including but not limited to the cost of administration, investigation, sampling and monitoring, legal or enforcement activities, damages to the POTW, contracts and health studies, and any fines or penalties assessed on the City which result from a discharge not in compliance with this Ordinance or rules adopted hereunder.

2. All such costs shall be documented by the City and shall be served upon the discharger by certified or registered mail, return receipt requested. Such documentation shall itemize the costs the Public Works Superintendent has determined are attributable to the violations.

3. The costs are due and payable by the discharger upon receipt of the letter documenting such costs. Nonpayment or disputes regarding the amount shall be referred for appropriate action to the City Attorney.

4. The Public Works Superintendent may terminate a discharge for nonpayment of costs after 30 days notice to the discharger.

J. Right of Appeal

Any discharger or any interested party shall have the right to request in writing an interpretation or ruling by the City on any matter covered by this ordinance or adopted rules hereunder and shall be entitled to a prompt written reply. In the event that such inquiry is by a discharger and deals with matters of performance or compliance with this ordinance for which enforcement activity relating to an alleged violation is the subject, receipt of a discharger's request shall not stay enforcement proceedings pending. An appeal of any final judicial order entered pursuant to this Ordinance may be taken in accordance with local and state law.

Section 42. Records Retained

All industrial users subject to this ordinance shall retain and preserve for no less than five (5) years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analysis made on or in behalf of a discharger in connection with its discharge. All records which pertain to matters which are the subject to any enforcement or litigation activities brought by the City pursuant hereto shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitations with respect to any and all appeals have expired.

Part IV - IMPLEMENTATION

Section 43. Denial of Connection

No local government agency or person shall connect a sewer to the City sewerage system unless such agency or person shall then be in compliance with all of these rules and regulations.

Section 44. Issuance of Stop Work Order

If any local government agency or person shall construct a public sewer, private sewer or building sewer in violation of these rules and regulations, the City may issue an order to such agency or person to stop work in progress which is not in compliance with these rules and regulations, or the City may issue an order to correct work which has been performed. Such agency or person shall forthwith take such action as may be necessary to comply with such order and with these rules and regulations, all at the expense of such agency or person.

Section 45. Delinquency

Sewer service charges or connection charges levied in accordance with the rules and regulations shall be a debt due to the City, and shall be a lien upon property. If this debt is not paid within thirty (30) days after it shall be due and payable, it shall be deemed delinquent and may be recovered by civil action in the name of the City against the property owner, the person, or both.

Section 46. Discontinuance of Service

In the event of failure to pay sewer service charges, connection fees, industrial pretreatment compliance monitoring analysis, any administrative or civil fines assessed by the City or court 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 monitoring or sampling devices in proper operating condition for more than seven (7) days,

the City shall have the right to remove or close sewer connections and enter the property for accomplishing such purpose.

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 a lien upon the property, and may be recovered by civil action in the name of the City against the property owner, the person, or both.

If past due sewer service charges or connection fees are placed in the hands of the City Attorney for collection, the property owner or the person or both shall be liable for the City's reasonable attorney's fees and collection costs in the recovery of said sewer charges, both at trial and appeal.

Section 47. 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 48. Ownership and Occupancy

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

Section 49. Lien

All sewage service rental charges shall be a lien against the property served from and after the date of billing and entry on the ledger record of the sewer department, and such ledger record shall be made accessible for inspection by anyone interested in ascertaining the amount of such charges against the property.

The City Council may use additional means of collection as may be provided by the laws of the State of Oregon or permitted by the charter and ordinances of the City of Canby.

Section 50. 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 no impairment of the functioning of the wastewater treatment system 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 enumerated in this ordinance and which, in the judgment of the Superintendent of Public Works, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or otherwise create a hazard to life or constitute a public nuisance, the City may:

- A. **Reject the Wastes.**
- B. **Require pretreatment** to an acceptable condition for discharge to the public sewer, including a minimum of two hours of settling for wastes containing soil, direct, and/or sand.
- C. **Require control over the quantities and rates** of discharge by constructing equalization basin or by other appropriate methods.

Require payment to cover the added cost of handling and treating the wastes not covered by the existing sewer charges. If the Superintendent of Public Works 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 costs, ordinances and laws.

Section 51. Disbursement

The City Council, by resolution or motion duly adopted, may, from time to time, direct the transfer of funds from the sewer fund to all or any of the following:

- A. **Construction**

The account or accounts for the construction, operation or maintenance of the sewage system.

- B. **Principal and Interest**

The account or accounts for the payment of principal and interest on maturing bonds.

- C. **Reserve Fund**

The account or accounts established for the sewer reserve fund.

Section 52. Validity

The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given without such invalid part or parts.

Section 53. Severability

If any provision, paragraph, word, section or chapter of this ordinance is invalidated by courts of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

Section 54. Right of Revision

The City reserves the right to amend this ordinance to provide for more stringent limitations or requirements on dischargers to the POTW where deemed necessary to comply with the objectives set forth in this ordinance.

Section 55. Conflict

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

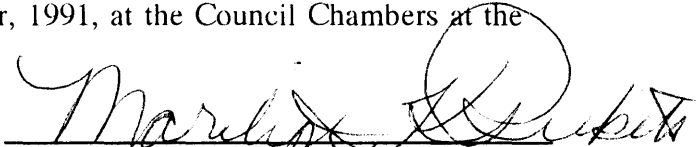
Section 56. Repeal

Ordinance No. 566, enacted February 19, 1974; Ordinance No. 618, enacted April 1, 1977; Ordinance No. 679, enacted August 6, 1980; and Ordinance No. 727, enacted December 1, 1983; Ordinance No. 835, enacted October 18, 1989, are hereby repealed.

Section 57. Emergency


Inasmuch as it is in the best interests of the citizens of the City of Canby for health, safety and general welfare, this ordinance shall take effect immediately after final reading and enactment by the Canby City Council.

SUBMITTED to the Canby City Council and read for the first time at a regular meeting thereof on the 4th day of September, 1991; ordered posted as provided by the Canby City Charter and scheduled for second reading and action of the Canby City Council at a regular meeting thereof on the 18th day of September, 1991, at the Council Chambers at the Canby City Hall.



Marilyn K. Perkett, City Recorder

PASSED on final reading of the Canby City Council this 18th day of September, 1991, by the following vote:

YEAS: 6 NAYS: 0


Shawn Carroll, Mayor

ATTEST:


Marilyn K. Perrett, City Recorder