

TUESDAY, 7:30 P.M.

AUGUST 28, 1984

AGENDA
SPECIAL ADJOURNED MEETING OF THE
CITY COUNCIL

COUNCIL CHAMBERS

NEWBERG, OREGON

I. Call Meeting To Order

II. Roll Call

III. Requests & Communications From The Floor

IV. Public Hearings:

A. Review of ordinance which consolidates and amends provisions of Ordinance No. 1050 and Ordinance No. 2108 and provides for:

1. The establishment, operation and maintenance within or outside the corporate limits of the City of Newberg of the sewage treatment or disposal plants and all appurtenances including maintenance, system enlargements or extensions.

2. The establishment and collection of rates, fees and charges by customer class.

3. Regulating the use of public and private sewers and drains, private sewerage disposal, the installation and connection of building sewers and the discharge of waters and waste into the public sewer system.

4. Penalties and violations.

B. Review a proposal to provide an interim sewer usage rate increase as a multiple phased increase to achieve compliance with EPA recommended standards by the completion of the new sewer treatment plant construction.

V. Ordinances:

2150

A. To consolidate and amend provisions of Ordinance No. 1050 and 2108.

VI. Resolutions:

84-1090

A. A resolution revising fees and charges for sewerage services in the City of Newberg, Yamhill County, Oregon.

VII. Other Business:

VIII. Adjourn.

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Newberg City Council will meet at 7:30 PM, August 28, 1984 in the Newberg City Council Chambers, 414 E. First Street, Newberg, Oregon 97132 to review the following:

A. The Council will review a proposal to provide an interim sewer usage rate increase as a multiple phased increase to achieve compliance with EPA recommended standards by the completion of the new sewer treatment plant construction.

B. Review of a draft ordinance which consolidates and amends provisions of Ordinance No. 1050 and 2108 and provides for:

1. The establishment, operation and maintenance within or outside the corporate limits of the City of Newberg of the sewage treatment or disposal plants and all appertenances including maintenance, system enlargements or extensions.
2. The establishment and collection of rates, fees and charges by customer class.
3. Regulating the use of public and private sewers and drains, private sewerage disposal, the installation and connection of building sewers and the discharge of waters and waste into the public sewer system.
4. Penalties and violations.

The proposed ordinance will consolidate existing ordinances relating to sewer rates and discharge regulations. Amendments have been proposed to the discharge rate structure to comply with the Environmental Protection Agency's requirements for a self-sufficient cost recovery system. Rates are proposed to be based upon the volume of flow and the strength of the wastewater discharge. The ordinance also proposes penalties for violations of wastewater discharge standards.

Public testimony is encouraged on any matter identified within this notice. You may do so in person or by attorney at the time and place stated above. Written testimony will be received at 414 E. First Street, Newberg, Oregon 97132 up to 5:00 PM prior to the scheduled hearing. For further information on any item listed in this notice, you may contact the Director of Public Works, City Hall, 414 E. First Street, Newberg, Oregon.

Publish: August 15 and 22, 1984

Arvilla Page, City Recorder

Special Adj. Council
Aug. 28, 1984

SAMPLE RATE IMPACT PROFILES 1984-85

SAMPLE RATE IMPACT PROFILES 1984-85				EXTRA STRENGTH CHARGE											
NAME & ACCOUNT #	CUST. CLASS (sewer)	MONTHLY FLOW (c.f.)	ANNUAL FLOW (c.c.f.)	\$0.85 BASE	\$0.99 1.5-3.0	\$1.13 3.0-4.5	\$1.27 4.5-6.0	\$1.41 6.0-7.5	\$1.55 7.5+	DIFFERENCE	\$0.39		TOTAL MONTHLY	CURRENT SEWER BILL	
											AVG. BILL (operations)	AVG. BILL (debt serv)			
CANNERY	4	267,400	32088.00	\$27,275		\$36,259					\$8,985	\$3,022	\$1,043	\$4,064	\$1,400
PAPER MILL	4	214,972	25796.64	21,927	25,539						3,612	2,128	838	2,967	120
DRIVE-IN RESTAURANT	3	4,036	484.32	412				683			271	57	16	73	50
MOTEL	3	8,128	975.36	829	966						137	80	32	112	104
RESTAURANT	3	32,682	3921.84	3,334			5,530				2,196	461	127	588	90
AUTO REPAIR SHOP	2	9,808	1176.96	1,000							N/A	83	38	122	18
LAUNDRY	2	15,528	1863.36	1,584							N/A	132	61	193	78
OFFICE BUILDING	2	733	87.96	75							N/A	6	3	9	21
PUBLIC SCHOOL	2	107,815	12937.80	10,997							N/A	916	420	1,337	172
											\$15,200				

SAMPLE RATE IMPACT PROFILES 1985-86

SAMPLE RATE IMPACT PROFILES 1985-86				EXTRA STRENGTH CHARGE										
NAME & ACCOUNT #	CUST. CLASS (sewer)	MONTHLY FLOW (c.f.)	ANNUAL FLOW (c.c.f.)	\$0.93	\$1.08	\$1.23	\$1.38	\$1.53	\$1.68	DIFFERENCE	AVG. BILL	\$0.87	TOTAL	CURRENT
				BASE	1.5-3.0	3.0-4.5	4.5-6.0	6.0-7.5	7.5+		(operations)	AVG. BILL (debt serv)		
CANNERY	4	267,400	32088.00	\$29,842		\$39,468			\$53,908	\$9,626	\$3,289	\$2,326	\$5,615	\$1,400
PAPER MILL	4	214,972	25796.64	23,991	27,860					3,869	2,322	1,870	4,192	120
DRIVE-IN RESTAURANT	3	4,036	484.32	450				741		291	62	35	97	50
MOTEL	3	8,128	975.36	907	1,053					146	88	71	158	104
RESTAURANT	3	32,682	3921.84	3,647			6,000			2,353	500	284	784	90
AUTO REPAIR SHOP	2	9,808	1176.96	1,095						N/A	91	85	177	18
LAUNDRY	2	15,528	1863.36	1,733						N/A	144	135	280	78
OFFICE BUILDING	2	733	87.96	82						N/A	7	6	13	21
PUBLIC SCHOOL	2	107,815	12937.80	12,032						N/A	1,003	938	1,941	172
\$16,286														

SAMPLE RATE IMPACT PROFILES 1986-87

SAMPLE RATE IMPACT PROFILES 1986-87				EXTRA STRENGTH CHARGE											
NAME & ACCOUNT #	CUST. CLASS (sewer)	MONTHLY FLOW (c.f.)	ANNUAL FLOW (c.c.f.)	\$1.17	\$1.37	\$1.57	\$1.77	\$1.97	\$2.17	DIFFERENCE	AVG. BILL	AVG. BILL	TOTAL MONTHLY	CURRENT SEWER BILL	
				BASE	1.5-3.0	3.0-4.5	4.5-6.0	6.0-7.5	7.5+		(operations)	(debt serv)			
CANNERY	4	267,400	32088.00	\$37,543		\$50,378			\$69,631	\$12,835	\$4,198	\$2,273	\$6,471	\$1,400	
PAPER MILL	4	214,972	25796.64	30,182	35,341					5,159	2,945	1,827	4,772	120	
DRIVE-IN RESTAURANT	3	4,036	484.32	567				954		387	80	34	114	50	
MOTEL	3	8,128	975.36	1,141	1,336					195	111	69	180	104	
RESTAURANT	3	32,682	3921.84	4,589			7,726			3,137	644	278	922	90	
AUTO REPAIR SHOP	2	9,808	1176.96	1,377						N/A	115	83	198	18	
LAUNDRY	2	15,528	1863.36	2,180						N/A	182	132	314	78	
OFFICE BUILDING	2	733	87.96	103						N/A	9	6	15	21	
PUBLIC SCHOOL	2	107,815	12937.80	15,137						N/A	1,261	916	2,178	172	
										\$21,715					

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SAMPLE RATE IMPACT PROFILES 1987-88

SAMPLE RATE IMPACT PROFILES 1987-88				EXTRA STRENGTH CHARGE										
NAME & ACCOUNT #	CUST. CLASS (sewer)	MONTHLY FLOW (c.f.)	ANNUAL FLOW (c.c.f.)	\$1.26	\$1.47	\$1.68	\$1.89	\$2.10	\$2.31	DIFFERENCE	AVG. BILL	\$0.83	TOTAL MONTHLY	CURRENT SEWER BILL
				BASE	1.5-3.0	3.0-4.5	4.5-6.0	6.0-7.5	7.5+		(operations)	AVG. BILL (debt serv)		
CANNERY	4	267,400	32088.00	\$40,431		\$53,908				\$13,477	\$4,492	\$2,219	\$6,712	\$1,400
PAPER MILL	4	214,972	25796.64	32,504	37,921					5,417	3,160	1,784	4,944	120
DRIVE-IN RESTAURANT	3	4,036	484.32	610				1,017		407	85	33	118	50
MOTEL	3	8,128	975.36	1,229	1,434					205	119	67	187	104
RESTAURANT	3	32,682	3921.84	4,942				8,236		3,294	686	271	958	90
AUTO REPAIR SHOP	2	9,808	1176.96	1,483						N/A	124	81	205	18
LAUNDRY	2	15,528	1863.36	2,348						N/A	196	129	325	78
OFFICE BUILDING	2	733	87.96	111						N/A	9	6	15	21
PUBLIC SCHOOL	2	107,815	12937.80	16,302						N/A	1,358	895	2,253	172
										\$22,800				

SAMPLE RATE IMPACT PROFILES 1988-89

SAMPLE RATE IMPACT PROFILES 1988-89				EXTRA STRENGTH CHARGE										
NAME & ACCOUNT #	CUST. CLASS (sewer)	MONTHLY FLOW (c.f.)	ANNUAL FLOW (c.c.f.)	\$1.38	\$1.61	\$1.84	\$2.07	\$2.30	\$2.53	AVG. BILL (operations)	AVG. BILL (debt serv)	TOTAL MONTHLY	CURRENT SEWER BILL	
				BASE	1.5-3.0	3.0-4.5	4.5-6.0	6.0-7.5	7.5+					DIFFERENCE
CANNERY	4	267,400	32088.00	\$44,281		\$59,042				\$14,760	\$4,920	\$2,139	\$7,059	\$1,400
PAPER MILL	4	214,972	25796.64	35,599	41,533					5,933	3,461	1,720	5,181	120
DRIVE-IN RESTAURANT	3	4,036	484.32	668				1,114		446	93	32	125	50
MOTEL	3	8,128	975.36	1,346	1,570					224	131	65	196	104
RESTAURANT	3	32,682	3921.84	5,412				9,020		3,608	752	261	1,013	90
AUTO REPAIR SHOP	2	9,808	1176.96	1,624						N/A	135	78	214	18
LAUNDRY	2	15,528	1863.36	2,571						N/A	214	124	339	78
OFFICE BUILDING	2	733	87.96	121						N/A	10	6	16	21
PUBLIC SCHOOL	2	107,815	12937.80	17,854						N/A	1,488	863	2,350	172
										\$24,972				

CONTACT REPORT

CONTACT: Mary Anne Evans, Ernie's Laundry (538-9659)
DATE: 23 August 1984
BY: Ed Sigurdson

PURPOSE: Newberg Water and Sewer Rates

CC: Jim Burke, Bob Sanders, Mike Soderquist

Mary Anne was following up from the Mayor's letter and my note at the bottom requesting more information about the sewer rates. I explained the rate structure and how to calculate the rates, and we discussed the volume of water used at the laundry. The estimate on our printout is for 15,000 per month. She said that her current usage has been running closer to 30,000 cubic feet per month. I then showed her how to compute her monthly sewer bill, which therefore will be substantially higher than what was shown in the printout she received with her letter because of her increased water usage.

The printout shows \$193 per month as an average sewer bill. We recalculated that to find it closer to \$375 per month. This, to her, is a staggering amount of money, as she is running a small, marginal business. She receives her bill every two months and the water and sewer combined will be a huge amount to her cash flow. She discussed competition with Sunshine Laundry. It appears as though her business has picked up substantially more than Sunshine Laundry's business. Yet, she is worried about her rates being competitive. I did mention to her that both laundries will be receiving bills compatible with their water use. I would think that both laundries would want to pass this on to the consumer at an equal rate, thereby retaining their competitive difference.

We discussed methods of reducing her water bill. The standard methods are: to separate water, which is not going down the sewer; to decrease her overall water use; or to eliminate any leakage in her plumbing system. We found little could be done to help her with the first two options, as all the water she uses goes down the sewer and most of her water use is through washing machines, where she feels she can do little to conserve water. There is a possibility she may have a water leak, and I explained how she can check this by reading her meter at night and again in the morning, while all water use is turned off.

The end of our long telephone discussion we parted friends, although she remains deeply concerned about the impact of the rate increase on her business. She will investigate her average water usage by contacting the City, and she will check to see if she has any leakage. I would expect that she may show up at the Council meeting Tuesday night to express her concern. I explained to her the reason for the rates and the requirement that the City is under to initiate this type of rate structure. I said that I did not feel the Council had a lot of flexibility but certainly they would be interested in her opinions.

- end of memo -

EAS:plb

CONTACT REPORT

CONTACT: John Englebret, Publishers Paper Company
DATE: 22 August 1984
BY: Ed Sigurdson

PURPOSE: Newberg Water and Sewer Rates

CC: Jim Burke, Bob Sanders, Mike Soderquist

I met with John at the Mill in his office. We discussed the water rates over lunch at their cafeteria. I briefly explained their rate structure; the purpose of it; and the \$1.24 cost per hundred cubic feet of water use. I said that the estimated cost to Publisher's included in the recent letter from the Mayor was based on their total water consumption, assuming that all of this water flowed into the sewer. He said that much of this water does go into their processing and less goes into their own treatment system rather than the City's sewer.

Publisher's is interested in doing something to reduce their billing. I said this can be done by determining how much of the water goes into the sewer, thereby allowing their bill to be based on this figure. We discussed the possibility of metering water used within the domestic portions of the plant or metering actual sewer flows as they leave the plant. I said I was not aware of whether Publisher's had one tied to the sewer or several. This would have some bearing on the practicality of metering the effluent. He said that he sees no good reason why they could not remove the flow from the City sewer all together, placing it into the activated sludge system. I did not suggest this, but did ask if their process could accept domestic sewage. He did not know, but he thought he would probably check on this as one of the options.

John will analyze the plant to determine which of the three alternatives appears most practical. I mentioned to him that if Publisher's removed their plant from the City sewer system, it could have the impact of raising sewer rates throughout the city by up to \$1 per month. I provided John with a unit price of the \$1.24 per hundred cubic feet so that he could use it in his analysis. He asked if there was any deadline for him to complete his analysis. I said that the City Council would be considering putting the rates into affect September 1, and that thereafter Publisher would be billed based on their total water use or until some formula was developed to modify that.

John seemed quite preoccupied mentally during our discussion. He has apparently been working long hours with limited time off, and he appeared quite fatigued. This appeared to be another item to be fit into an already busy schedule. John said that he appreciated the information and that he would perform his analysis and get back to either me or Bob Sanders as to how he wishes to proceed. I said to contact Bob's office, discuss with him or his staff any information that may exist regarding the location of Publisher's service (or services).

- end of memo -

EAS:plb

CONTACT REPORT

CONTACT: Gerry Jackson, Chehalem Park and Recreation District
DATE: 22 August 1984
BY: Ed Sigurdson

PURPOSE: Newberg Water and Sewer Rates

CC: Jim Burke, Bob Sanders, Mike Soderquist

I returned Gerry's earlier call to answer his questions regarding the new sewer rates.

As we had talked extensively earlier, he was somewhat familiar with the sewer rate concept. The increase apparently as greater than he had anticipated, and he is looking for some method to relieve his bill. I explained that his charge is based strictly on water flow through the meter and that his bill can be reduced only by isolating water passing through the meter which does not go through the meter or by reducing water use. Gerry said his primary non-sewer water use is irrigation, which is quite heavy during the summer months. I said that we would structure the new computer to develop an average based on the non-irrigation months of the year and project his bill for the summer with that average fixture, thereby not charging him for the larger summer flows. He said that he would like to use this system and asked that his account be structured in that way.

Gerry also asked if there was any way to relieve the cost when his pool is drained. About once every two years the pool water is pumped into the sanitary sewer for a water change. He asked if a system could be developed, whereby he would not have to pay a sewer charge for this draining. I said that if it was acceptable to City, State and County authorities, it may be possible to let his chlorine residual drop to zero and then pump the water into the storm drain system, rather than the sewer. This could be done either by re-plumbing the pool to tie it to the storm drain system or to use a temporary fire hose from his pumping pit to the storm drain. He was interested in doing the latter. I said that if he could gain the approvals necessary for this discharge that I was quite sure it would be possible to remove this volume of water from the water meter reading, thereby not billing it under his sewer bill. Gerry would like to receive some confirmation on this.

I explained the pricing structure, and how it impacts the swimming pool. he understands the basis for charges and would like to pursue relief from his bill by reducing summer irrigation and pool draining costs as discussed above. He is expecting some response.

- end of memo -

EAS:plb

CONTACT REPORT

CONTACT: Robert Dasher, Chehalem Care Center (538-2108)
DATE: 22 August 1984
BY: Ed Sigurdson

PURPOSE: Newberg Water and Sewer Rates

CC: Jim Burke, Bob Sanders, Mike Soderquist

After some confusion about the location for our meeting, I met with Mr. Dasher and the Facility Administrator (I did not get her name) for about 45 minutes. They both seemed disturbed about the increase and deeply concerned. I gave a full explanation about the reason for the increase and how the rates were structured.

We then opened the discussion to look for opportunities to reduce their billing. Mr. Dasher said that they had made every effort to cut costs throughout their operation. He has looked in the past for excess water use and all such uses have been eliminated. He also has checked for the possibility of underground water leakage and apparently did make one correction. Except for summer irrigation, all of the water goes down the sewer as they have no cooling in the facility other than two recirculating swamp coolers. He does not feel the potential exists for significant water reduction. I said that he was the first user that I had visited where some savings in the billing was not readily apparent. I provided him with a unit cost for water usage.

At the end of our discussion, Mr. Dasher and the administrator felt that they understood the system and had all the needed information. Following this discussion, Mr. Dasher expressed dissatisfaction with past dealings he has had with the city (apparently with former City officials). He indicated that both his water service and sewer service are undersized and have caused him problems. He is served by a 2-inch water main which does not provide adequate pressure during periods of high demand. He also apparently is served by long service which plugs often, causing back-up into his facility flooding the floors with sewage. In previous discussions, it appeared that any City-constructed facilities would be built 100 percent to the care home, thereby making the improvements prohibitively expensive. I said that the problems of the past may have been due to the lack of city funds to provide expanded or replacement projects. I said the new rate structure was designed to provide funds so that the City could pay its share of the needed improvements. The particular improvements he needs, may or may not be improvements normally provided by the City and answers to these questions could best be received directly from Bob Sanders or his staff.

At the end of our meeting, they were not pleased with their higher bills but were pleasant and did seem to understand the rate structure and the need for the rates.

- end of memo -

EAS:plb

CONTACT REPORT

CONTACT: Herb Rustrum, Technical Images
DATE: 21 August 1984
BY: Ed Sigurdson

PURPOSE: Newberg Water and Sewer Rates

CC: Jim Burke, Bob Sanders, Mike Soderquist

Herb called the previous day and I returned his call. He indicated that he would like to find out more about the new rate structure, although he will have to go out of business anyway. I explained the reason for the new rate structure and discussed how it was structured and how it would apply to his business.

I indicated that his waste was not stronger than residential sewage, and therefore, he received no extra strength charge as do most industries. He countered by saying that his waste was much cleaner than residential sewage and most of it was pure water used in cooling processes. I said that the best way he could reduce his sewer bill would be to separate this fresh water from his sanitary sewer connection and dispose of it in the storm drainage system. He mentioned that he did irrigate the back of his property, but everything died.

I told him again that his sewer bill was directly proportional to the amount of sewage discharged into the sewer system from his property and is based on the flows through his water meter or a meter at his sewer monitoring station. I said the best way of reducing his sewer bill would be to reduce the quantity of water sent down the sewer. This can be done by modifying his plant process to use less water or to separate the non-contaminated water from his other flow and dispose of it in the storm drainage system.

I carefully went through the calculation of Herb's sewer bill, giving him the unit prices and how they were multiplied times flows to arrive at his total billing. He seemed to understand the method in the end of our discussion.

He seemed pleasant but he did express a sincere concern about the impact of the billings on his plant. I offered to help in any way possible, including visiting his plant and going through his process with him. He did not request this and indicated that he just wanted to know how the rates worked and how they impacted his business.

- end of report -

EAS:plb

CONTACT REPORT

CONTACT: Craig Banning, J's Restaurant (538-5925)
DATE: 21 August 1984
BY: Ed Sigurdson

PURPOSE: Newberg Water and Sewer Rates

CC: Jim Burke, Bob Sanders, Mike Soderquist

This afternoon Bob Sanders suggested that I contact Craig Banning, who previously had contacted Bob. I called him at J's Restaurant and was referred to the Sherwood Inn in Sherwood, a restaurant which he also owns.

Craig seemed to still be in a state of disbelief about the letter he said he recieved about ten days ago, but has been too busy to give us a call. He asked: "Is my sewer bill was really going from \$90 to \$588 per month?" I told him the high cost was based on his high water consumption to which he replied: "What does my water consumption have to do with my sewer bill?"

I explained the rate structure and then explained some areas where he might be able to reduce his costs. I suggested that he look for wasted water within his building; discussed ways that he might reduce his extra strength costs; and pointed out that his water consumption was extremely high for his type of business. When I suggested that he may have an underground leak on his property, he said that he did have a leak under his building which was corrected last December. I said that the 12-month average used in developing the 35,000 cubic foot estimate of his flow was for the period which ended in November of 1983. I said that his water consumption realistically should be between 10,000 and 15,000 cubic feet per month, in which case, his bill could be reduced by two-thirds. I did say that his bill likely would be between \$200 and \$300 for his type of business. I again explained the reason for the rates and he seemed to understand and accept the rate concept.

I suggested that he review his latest billings to determine his average water usage; review his operation for possible water reduction; and give me a call on September 10 or after if he has any further questions.

I offered to go to his business and walk through it with him looking for ideas, if that would be helpful. I also said that if he could eliminate the garbage grinder that he uses, and find ways of pretreating the strength of his sewage, that it may very well be possible to reduce his strength discharge. However we could not make this reduction based on a change in the way he operates his business as long as the garbage grinder is in place as he may return at any time to that method of disposal and thereby make it difficult for the City to monitor the proper charge that should be placed on his business.

At the end of the discussion he seemed quite satisfied.

- end of report -

EAS:plb

CONTACT REPORT

CONTACT: Fred Labonte, Allen Fruit (538-3141)
DATE: 17 August 1984
BY: Ed Sigurdson

PURPOSE: Newberg Water and Sewer Rates

CC: Jim Burke, Bob Sanders, Mike Soderquist

I met with Fred Labonte on August 14 in the Newberg office. Fred indicated that the flows shown for Allen Fruit on the computer printout appeared to be in error, and he wanted to check the proper cost. The computer printout shows a total average monthly flow of approximately 35,000 cubic feet of water. This figure was used to estimate his monthly sewer bill. Fred said that over the past few months, his flows have been exceeding 2 MGD per month. He said the last couple of months have exceeded our estimates. He estimated his average flow to be approximately 2 million gallons per month, or 267,000 cubic feet per month.

This is nearly ten times the flows shown on our computer printout and used in computing the sewer rates. Rationing the costs into the computer printout he had a rough idea of what his sewer bill would be under the new system, but wanted more refined numbers of his budgeting purposes.

We developed the following figures during our meeting:

Base flow - 2,674 CEF at \$0.85	\$2,273
BOD - 8,500 lbs x .093	793
SS - 450 lbs x .093	<u>42</u>
Total	\$3,108
Dead service 2,674 CCF x \$0.39	<u>\$1,043</u>
Total	\$4,141

Alternative calculations (per new ordinance)

BOD 8,500 lbs divided by 2,674 CCF = 3.18 lbs BOD/CCF

3.0 to 4.5	\$1.13/CCF
2,674 CCF x \$1.13	3,022
Finance Charge	<u>1,042</u>
Total	\$4,065

During our meeting, I had forgotten to quote Fred the debt service portion of his bill. Shortly after he returned to his office, I phoned him and gave him this additional information.

Fred did not seem particularly concerned with the amount of these costs. He seemed to understand that they were properly conceived and reasonable, and he wanted the detailed information to allow him to accurately budget

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Allen Fruit
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his expenses. Fred mentioned that he is modernizing his plant and is in a fairly steep growth period for Allen Fruit.

About four years ago, Allen Fruit had been consistently producing about 1 million pounds of product per year. He has gradually worked up to an estimated production in 1984 of 2.4 million pounds of product. He has found that his plant has been allowed to seriously deteriorate over the years and for the past two or three years, they have been replacing rusted piping and equipment with more modern materials with continued growth.

- end of report

EAS:plb

CONTACT REPORT

CONTACT: Don Millage, George Fox College (538-8383)
DATE: 17 August 1984
BY: Ed Sigurdson

PURPOSE: Newberg Water and Sewer Rates

CC: Jim Burke, Bob Sanders, Mike Soderquist

Don called me wanting to know specifically how their rates were figured and what the unit costs were so that he could apply these costs to the various George Fox accounts. He said that he felt the difference between the new rates and the existing rates that we show on our printout may over-emphasize the difference in cost. He said that the billings shown represent summer usage of the facilities. When the actual rates during the school year are compared with the 12-month average figures used to project George Fox costs under the new rate structure, the difference should not be as dramatic. (The computer printout sent to George Fox shows the rates basically doubling.)

Don's comment was that the new rate structure should not present a major problem to the college and he felt that it would fit into their budget projections. He will confirm this by using the numbers that I gave him and compute costs based on his use records.

We discussed the possibility of finding ways to separate water meter flows which do not go down the sewer. I pointed out that the City's new computerized billing system will make it much easier to handle these separated flows. I gave him the following rate schedule information:

- o Each account will have a \$10 minimum for 800 cubic feet of water use.
- o For accounts with flows above 800 cubic feet, costs will be computed at \$0.85 per hundred feet base flow plus \$0.39 per hundred cubic feet dead service for a total of \$1.24 per hundred cubic feet. (I asked him to use the \$1.24 to compute his billing with a \$10 minimum.)

- end of report -

EAS:plb

CONTACT REPORT

CONTACT: Debbie Sumnar, Newberg Community Hospital (538-1372)
DATE: 17 August 1984
BY: Ed Sigurdson

PURPOSE: Newberg Water and Sewer Rates

CC: Jim Burke, Bob Sanders, Mike Soderquist

I met with Debbie and the maintenance foreman on August 14 to discuss the rate schedule and to review the hospital facilities for potential water savings. We talked in the hallway for about a half hour and ended up not touring the facilities. I explained the rate schedule and the costs and we discussed, at considerable depth, ways that they could reduce water consumption. They use a considerable amount of water for cooling. Water which is not contaminated and does not need to go into the sewer. The maintenance foreman will carefully review all water usage throughout the facility and consider separation of these non-contaminated flows from the sewer system. The discussion was very fruitful and both Debbie and the foreman were quite pleased with the result.

We also discussed the possibility of reducing their water meter size to cut the cost of their water bill. I suggested they work directly with Public Works Field personnel to accomplish this.

- end of report -

EAS:plb

CONTACT REPORT

CONTACT: Lee Bodner, Protein Products (538-2178)
DATE: 17 August 1984
BY: Ed Sigurdson

PURPOSE: Newberg Water and Sewer Rates

CC: Jim Burke, Bob Sanders, Mike Soderquist

Mr. Bodner phoned me at the Newberg office around August 3 (phone message was not dated). I have called Mr. Bodner back seven times. On three occasions, there was no answer; on four occasions, when the phone was answered, Mr. Bodner was not in and I left messages for Mr. Bodner to return my call. I have received no word of him returning any of my calls.

- end of report -

EAS:plb

on w/ at p 2

Newberg Ordinances

ORDINANCE NO. 2150

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Newberg Ordinances

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR ESTABLISHMENT, OPERATION AND MAINTENANCE WITHIN OR WITHOUT THE CORPORATE LIMITS OF THE CITY OF NEWBERG OF SEWAGE TREATMENT OR DISPOSAL PLANTS WITH ALL APPURTENANCES NECESSARY, INCLUDING MAINTENANCE, ENLARGING OR EXTENSIONS OF THE PRESENT SEWER SYSTEM OF THE CITY; PROVIDING FOR THE ESTABLISHMENT AND COLLECTION OF RATES, FEES AND CHARGES BY CUSTOMER CLASS; REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM; PROVIDING PENALTIES FOR VIOLATION HEREOF; REPEALING ORDINANCE 2108 AND ORDINANCE 1050, AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith AND DECLARING AN EMERGENCY.

The City of Newberg ordains as follows:

ARTICLE I. GENERAL PROVISIONS

Section 101. SEWER SYSTEM; CITY'S DECLARATION OF INTENT TO ACQUIRE.

Pursuant to the general laws of the State of Oregon and the charter of the City of Newberg, the city council of said city does hereby declare its intention to own, acquire, construct, equip, operate and maintain, either within or without the corporate limits in whole or in part, sewers, including maintenance, enlargement or extension of the present sewer system of the city, sewage treatment or disposal plant or plants, intercepting sewers, outfall sewers, force mains, pumping stations or ejector stations, with all appurtenances necessary, useful or convenient for the treatment and disposal of sewage.

Section 102. INTENT AND PURPOSE.

The intent and purpose of this ordinance is to provide for the orderly functioning of the publicly owned wastewater collection and transport system and associated treatment works: to set forth uniform requirements for direct and indirect contributors to the wastewater collection and treatment system for the City of Newberg; and to enable the city to comply with applicable state and federal laws, particularly the Clean Water

Act of 1977 (and amendments thereto) and the general pretreatment regulations (40 CFR Part 403).

Section 103. OBJECTIVES.

The objectives of this ordinance are:

- (A) To provide control of construction and use of the city sewerage system.
- (B) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge.
- (C) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, into receiving waters or the atmosphere or otherwise be incompatible with the system.
- (D) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system.
- (E) To provide for equitable distribution of the cost of the municipal wastewater system in compliance with the Environmental Protection Agency's requirements.
- (F) To assure the financial self-sufficiency of the sewerage system.

In achieving the objectives of this ordinance, it shall be the policy of the city to actively promote the health of the industrial community through accommodation, assistance and cooperation; consistent with the city's responsibility to protect the waters of the state from pollution and to secure the health, safety and welfare of the residents of the community. To that end, this ordinance shall be implemented using good professional judgement; with associated decisions taking all known facts into consideration.

This ordinance provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain nondomestic users, and through enforcement of general requirements for all users; authorizes monitoring and enforcement activities; assures that existing customers' capacity will not be preempted; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the programs established herein.

Section 104. ABBREVIATIONS AND DEFINITIONS.

(A) Abbreviations.

For the purpose of this ordinance, the following abbreviations mean:

- (1) BOD5 - Biochemical Oxygen Demand (five day).
- (2) CFR - Code of Federal Regulations.
- (3) COD - Chemical Oxygen Demand.
- (4) DEQ - Oregon Department of Environmental Quality.
- (5) EPA - U.S. Environmental Protection Agency.
- (6) l - Liter.
- (7) mg - Milligram.
- (8) mg/l - Milligrams per liter.
- (9) NPDES - National Pollutant Discharge Elimination System.
- (10) OSPSC - Oregon State Plumbing Specialty Code.
- (11) POTW - Publicly Owned Treatment Works.
- (12) RCRA - Resource Conservation and Recovery Act.
- (13) SIC - Standard Industrial Classification.
- (14) SWDA - Solid Waste Disposal Act, 42USC, 6901, et. seq.
- (15) TSS - Total Suspended Solids.
- (16) USC - United States Code.

(B) Definitions.

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

- (1) Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, et. seq.
- (2) Authorized Representative of Industrial User. An authorized representative of an industrial user shall be:
 - (a) A principal executive officer of at least the

level of vice-president, if the industrial user is a corporation;

- (b) A general partner or proprietor if the individual user is a partnership or proprietorship, respectively; or,
 - (c) An agent of the industrial user who is responsible for the overall operation of the facilities from which the discharge originates.
- (3) Available Sewer. Any sewer that can be used without the need to acquire easements and sufficient grade exists to serve the property.
 - (4) Biochemical Oxygen Demand (BOD5). The quantity of dissolved oxygen utilized in the biochemical oxidation of organic matter over a period of 5 days at a temperature of 20 degrees Centigrade (as described in the American Public Health Association publication, Standard Methods for the Examination of Water and Wastewaters, current edition, or Guidelines Establishing Test Procedures for the Analysis of Pollutants, contained in 40 CFR 136). This may be expressed in terms of either weight or concentration.
 - (5) Building Drain. That part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes within or adjoining the building or structure, and conveys the same to the building sanitary sewer.
 - (6) Building Official. The building official for the City of Newberg, Oregon, or his or her duly authorized representative or agent.
 - (7) Building Sanitary Sewer. That part of the horizontal piping of a wastewater drainage system beginning five (5) feet or more from any building or structure, and which receives the discharge of the building drain and conveys it to a public sewer, private sewer, individual sewage-disposal system or other point of disposal.
 - (8) Building Storm Sewer. That part of the piping of a storm water drainage system which begins at the connection to the building storm drain at a point five feet outside the established line of the building or structure, and conveys stormwater, surface water, and other unpolluted water to the public storm sewer, street, or other point of disposal.
 - (9) Categorical Pretreatment Standards. National pretreatment standards specifying quantities or concen-

trations of pollutants or pollutant properties which may be discharged or introduced into a public sewerage system by specific industrial categories. These standards are promulgated in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1347).

- (10) Chemical Oxygen Demand (COD). The measure of the organic matter content in wastewater and which is the oxygen equivalent of the organic matter that can be oxidized under standard laboratory procedure using a strong chemical oxidizing agent in an acidic medium.
- (11) City or City of Newberg. The municipality of Newberg, Oregon, a municipal corporation of the State of Oregon, acting through the city council or any board, committee, body, official or person to whom the 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 director of public works of Newberg, Oregon or his or her duly authorized representative or agent.
- (12) Collection System. Facilities maintained by the city of Newberg for collecting, pumping, conveying and controlling wastewater.
- (13) Combined Sewer. A sewer that is designed as both a sanitary sewer and a storm sewer.
- (14) Commercial User. The occupant or lessee of any premise used for commercial or business purposes which is not an industrial user as defined in this ordinance.
- (15) Compatible Pollutant. The pollutants of biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants which the city treatment works may be specifically designed to treat.
- (16) Composite Sample. A series of samples mixed together so as to approximate the average strength of discharge to the sewer. A composite sample for one day shall consist of a pool of 24 samples, each taken hourly; unless special conditions warrant otherwise and the director of public works designates an alternative acceptable procedure.
- (17) Control Manhole. A manhole installed as required by the Director of Public Works under the provisions of this ordinance; or if no manhole has been so installed, the term "control manhole" shall mean such point, as shall be determined by the Director of Public Works

to which nondomestic wastes produced on the premises and discharged into a sanitary sewer are accessible for testing.

- (18) Cooling Water. The water discharged from any use to which the only pollutant added is heat.
- (19) Direct Discharge. The discharge of treated or untreated wastewater directly to the water of the State of Oregon.
- (20) Director or Director of Public Works. The Director of Public Works of the City of Newberg, Oregon, or his or her duly authorized representative or agent.
- (21) Discharge Flow. The deposit of pollutants into the city sewerage system.
- (22) Domestic Sewage. Wastewater of the type commonly introduced into a treatment works by residential users.
- (23) Domestic User. Any person who discharges only domestic sewage.
- (24) Drainage Water. Storm water, ground water, surface drainage, subsurface drainage, spring water, well overflow, roof drainage or other like drainage other than sewage or industrial wastewater.
- (25) Dwelling Unit. A facility designed for permanent or semi-permanent occupancy and provided with minimum kitchen, sleeping, and sanitary facilities for one family.
- (26) Environment. Any naturally occurring river, stream, creek, or other waterway, and land mass, the atmosphere, or any subsurface water, aquifer or ground water or any man-made ediface directly or indirectly connected to waterways, land masses, atmosphere, or ground water as herein listed.
- (27) Flow. The daily total of wastewater flow from an industrial, commercial, or domestic user.
- (28) Garbage. Solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.
- (29) Grab Sample. A wastewater sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.
- (30) Holding Tank or Septic Tank Waste. Waste from chemical

toilets, campers, trailers, septic tanks, tank trucks or other vessels.

- (31) Industrial Discharger/User. Any nonresidential discharger who discharges industrial wastewaters directly or indirectly into the city sewer system.
- (32) Industrial Wastewater Discharge Permit. A permit to discharge industrial wastewaters into the city sewer system issued under the authority of this ordinance and which prescribes certain discharge requirements and limitations.
- (33) Industrial Wastewater. Any nondomestic liquid, gaseous substance or semisolid from any producing, manufacturing business or trade, or processing operation of whatever nature (as distinct from sanitary sewage), and the contents of chemical toilets, septic tanks, and wasteholding tanks.
- (34) Institution. Any building or group of buildings used as a hospital, correction facility or university, publicly or privately owned.
- (35) Interference. The inhibition or disruption of the city wastewater collection and transport system, treatment processes or operations.
- (36) Lateral Sewer. Any side lateral off a sewer main line which is in the public right-of-way or easement, operated and maintained by the city and to which a building sewer connects or may connect.
- (37) Multifamily Dwelling. A building or group of buildings or dwelling units or portion thereof designed for occupancy by two or more families, living independently of each other.
- (38) National Pollutant Discharge Elimination System (NPDES) Permit. A permit issued pursuant to Section 402 of the Act (33 USC 1342).
- (39) National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of Section 307 (b) of the Act and 40 CFR, Section 403.5.
- (40) Natural Outlet. Any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.
- (41) Operation and Maintenance. Activities required to assure the dependable and economical function of treatment works. (i) Maintenance: Preservation of functional integrity and efficiency of equipment and

structures. This includes preventive maintenance, corrective maintenance and replacement of equipment. (ii) Operation: control of the unit processes and equipment which make up the treatment works. This includes financial and personnel management; records, laboratory control, process control, safety and emergency operation planning.

- (42) OSPSC. The current edition of the Oregon State Plumbing Specialty Code, as adopted by the Oregon Department of Commerce.
- (43) Parameter. A characteristic of wastewater that may be measured or calculated and is used in this ordinance as a discharge limitation.
- (44) Person. Any individual, company, enterprise, partnership, corporation, association, society, or group, and the singular term shall include the plural.
- (45) pH. The negative logarithm (base 10) of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in moles per liter of solution. It is a measure of the acidity or alkalinity of the wastewater. Neutral water, for example, has a pH of 7 and a hydrogen concentration of 10^{-7} .
- (46) Pollutant. Any spoil, waste, residue, sewage, garbage, sludge, munitions, chemicals, biological materials, radioactive materials, heat, rock, sand, dirt, soil, agricultural, municipal, or industrial material discharged into water.
- (47) Pollution. The degradation of the chemical, physical, biological or radiological quality of ground, surface, subsurface, or storm drainage waters by man, or the activities thereof.
- (48) Pretreatment. 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.
- (49) Private Collection System. A privately owned and maintained lateral sewer system normally six or eight inches in diameter, installed to serve multi-unit structures on single ownership properties, which cannot legally be further divided, such as apartments, mobile home parks, and schools. A single family residence with an unattached garage or shop with sanitary facilities is exempt from this definition.

- (50) Properly Shredded Garbage. The wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2-inch in any dimension.
- (51) Public Sewer. Any sewer in public right-of-way or easement operated and maintained by the city.
- (52) Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 212 of the Act, (33 USC 1292) which is owned by the city.
- (53) POTW Treatment Plant. That part of the POTW designed to provide treatment to wastewater.
- (54) Replacement. Obtaining and installing equipment, accessories, or appurtenances which are necessary during the design or useful life, whichever is longer, of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
- (55) Residential Sewage Discharge. That portion of the residential users' measured or estimated average monthly water consumption which, after seasonal adjustment, represents the users' sewage discharge, in cubic footage volume of hydraulic flow.
- (56) Residential User. The occupant or lessee of a dwelling unit as defined in this ordinance. Said dwelling unit may be a single family dwelling, or a portion of a multi-family dwelling.
- (57) Sanitary Sewer. A conduit intended to carry liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.
- (58) Settleable Solids. Those solids that are capable of being settled in a standard Imhoff cone as outlined in Standard Methods.
- (59) Sewage. A combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.
- (60) Sewer. A pipe or conduit for carrying either sewage and industrial wastewater, or storm and surface waters and drainage.

- (61) Sewerage System. The entire sewage collection and treatment system, exclusive of building sewers. This includes all conduits, pumps, treatment equipment and any other components involved in the collection, transportation, treatment, and disposal of sanitary and industrial wastewater and sludge.
- (62) Sewer User. Any person using a city sewer; or who has a residence, multi-family, or commercial building, institutional building, industrial building, or other structure containing plumbing, requiring connection to a sanitary sewer as outlined by this ordinance.
- (63) Shall is mandatory; may is permissive.
- (64) Side Sewers. The city sewer between the property line and main or trunk sewer of the city sewer system, also called a lateral sewer.
- (65) Significant Industrial User. Any industrial user of the city POTW who:
 - (a) has a dry weather wastewater discharge which exceeds 25,000 gallons per day; or
 - (b) is subject to promulgated National Categorical Pretreatment Standards; or
 - (c) requires pretreatment in order to comply with the discharge limitations in this ordinance; or
 - (d) is found by the director to have significant impact, either singly or in combination with other contributing industries, on the collection or treatment system, the quality of sludge, the system's effluent quality or air emissions generated by the system.
- (66) Single Family Dwelling. Any residential building designed for occupancy by only one family.
- (67) Slugload. Any substance released in a discharge at a rate and/or concentration which causes interference to the POTW.
- (68) Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972; as amended from time to time.
- (69) Standard Methods. The examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water and

Wastewater, published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

- (70) Storm Drain. That portion of the storm drainage system that is within the public right-of-way or easement operated and maintained by the city. This may include, but is not limited to pipes, culverts, ditches, waterways or any other appurtenances used for the removal or transportation of rainwater or other unpolluted water.
- (71) Storm Sewer. A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastewater.
- (72) Suspended Solids. The total suspended matter that either floats on the surface or is in suspension in water or wastewater, and that is removable by laboratory filtering (as described in Standard Methods for the Examination of Water and Wastewaters, current edition, or Guidelines Establishing Test Procedures for the Analysis of Pollutants, contained in 40 CFR 136, as published in the Federal Register and referred to as nonfilterable residue).
- (73) Superintendent. The person designated by the city to supervise the operation of the POTW, or a duly authorized representative thereof.
- (74) Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA.
- (75) Trunk Sewer. A sewer ten inches or larger to which other lateral sewers connect. May in some cases serve as a lateral sewer.
- (76) Unpolluted Water. Water to which no sewage or industrial wastewater has been added; or water which has been used in such a manner that no pollutants have been introduced to the flow.
- (77) Upset. An exceptional incident in which a user unintentionally and temporarily is in a state of noncompliance with the discharge requirements set forth in this ordinance due to factors beyond the reasonable control of the user; 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.
- (78) User or Users. Any person using the POTW.

- (79) User Charge. A charge levied on users of a treatment works for the user's proportionate share of the cost of operation and maintenance (including replacement) of such works.
- (80) Wastewater. Liquid or water-carried pollutants including any ground water, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.
- (81) Watercourse. A channel in which a flow of water occurs, either continuously or intermittently.
- (82) Water User. Any person using water through the facilities of the municipal water systems.

ARTICLE II. RATES, FEES AND CHARGES - POLICY GUIDELINES

Section 201. AUTHORIZATION OF JUST AND EQUITABLE RATES, FEES AND CHARGES.

(A) Charges Levied.

There is hereby levied and imposed upon all persons having a connection with the sewer system of the City of Newberg, Oregon, both within and without the corporate limits of said city, and upon all subsequent users, just and equitable charges for service, maintenance, operation, replacement and expansion of the sewerage system.

(B) Financial Self-sufficiency.

The just and equitable charges shall be fixed at such amounts to assure the financial self-sufficiency of the sewerage system, and thereafter reviewed annually and amended as necessary by resolution of the city council.

Section 202. CUSTOMER CLASSES; BILLING STRUCTURE DEFINED.

(A) Customer Classes Defined.

For the purposes of determining rates and assigning service charges, users shall be grouped, accordingly, into one of the following customer classifications:

- (1) Residential - all single-family residential services and multi-family residential services which have individual water meters for each dwelling unit.
- (2) Multi-Residential or Standard Discharge Strength - all multi-family dwellings in which a single water meter

provides service to more than one dwelling unit and all other services not classified elsewhere which have discharge strengths (BOD or SS) not exceeding 1.5 pounds per hundred cubic feet (240 mg/liter) of discharge flow.

- (3) Non-Standard Discharge Strength - all non-residential users with discharge strengths (BOD or SS) in excess of 1.5 pounds per hundred cubic feet (240 mg/liter) of discharge flow.
- (4) Industrial - establishments discharging industrial wastewater, as defined in this ordinance.

(B) Rate Structure.

Sewer service rates for each of the respective customer classifications enumerated in Subsection (A) of this section shall be derived and calculated in accordance with the following standards and fixed by resolution of the city council:

- (1) Residential - a monthly flat fee based on average residential sewage discharge.
- (2) Multi-Residential or Standard Discharge Strength -
 - (a) a minimum fee monthly equal to the sewer service rate for residential users, plus
 - (b) a per unit charge for measured or estimated sewage in excess of residential sewage discharge.
- (3) Non-Standard Discharge Strength -
 - (a) a monthly charge calculated in the same manner as for users in the Multi-Residential or Standard Discharge Strength customers class, plus
 - (b) an extra strength fee per unit of discharge based on measured or estimated sewage parameters as established by the city.
- (4) Industrial -
 - (a) a monthly charge calculated in the same manner as for users in the Non-Standard Discharge Strength customer class.

(C) Charges to Customers Outside the City.

Any person having connection to the city sewerage system which is outside the corporate boundaries of the City of Newberg shall, in addition to the fees and charges for services called for in Subsection (B) of this section, be charged monthly fees

derived and calculated in accordance with the following standards and fixed by resolution of the city council:

- (1) A fee in lieu of property tax payments supporting principle and interest for the retirement of indebtedness associated with investment in capital facilities necessary to the sewerage system, and
- (2) a surcharge to all other service fees, representative of compensation to the City of Newberg for the furnishing of proprietary services to users outside the corporate boundaries of the city.

(D) Review and Revision of Rates.

The sewer user charges established in Section 202(B) of this article shall, as a minimum, be reviewed annually by the City Council of the City of Newberg and revised periodically to reflect actual costs of operation, maintenance, and replacement of the treatment works and to maintain the equitability of the user charge with respect to proportional distribution of the costs of operation and maintenance in proportion to each user's contribution to the total wastewater loading of the treatment works. In conjunction with annual review of sewer user charges the Public Works Director shall review and revise as appropriate the schedule of measured or estimated sewage parameters applicable to the Non-Standard Discharge Strength customer class.

(E) Notification.

Each user will be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services. On or before July 1 of each year, the Public Works Director shall post for public review at City Hall a listing of the sewage parameters and corresponding categories of businesses which serve as basis for the derivation of extra strength fees for users in the Non-Standard Discharge Strength customer class as specified in subsections (A) and (B) of this section.

(F) Appeals.

Any sewer user who believes their sewer user charge, as applied to his or her premises, is not within the intent of the foregoing provisions may make written application to the city council requesting a review of their user charge. The written request shall, where necessary, show the actual or estimated average flow of the user's wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made.

Review of the request shall be made by the city council

and the Director of Public Works, action may include recommending further study of the matter by the Director. If the city council determines that the user's charges should be recomputed, based on approved revised flow and/or strength data, the new charges thus recomputed may be applied retroactively for a period of up to six months.

Section 203. OTHER FEES AND CHARGES.

(A) Deposit or Security for Sewer Service.

Any person, firm or corporation making application for the use of the municipal sewer system of the City of Newberg shall, at the time of making such application, pay to the City of Newberg a cash deposit as a guaranty of the payment of all user charges, liens or fees incurred by the applicant; and also to guarantee, on the part of the applicant, compliance with the rules and regulations governing the sewer system of the City of Newberg. The amount of such deposit shall be fixed by resolution of the city council and reviewed annually and amended as deemed necessary. Upon termination of sewer service, the cash deposit shall be refunded to the applicant together with interest thereon at the rate of five (5) percent per annum less any and all delinquent user charges or other unpaid charges which may have been incurred by the applicant. No interest shall be allowed or paid by the City of Newberg on sewer deposits which has been deposited with said city for less than 30 days. All of said cash deposits so paid into the City of Newberg by sewer users shall be credited by the Finance Director into a special account to be known as "Sewer Deposit Account," and said monies deposited in the sewer fund of said city.

(B) Property Owners May Pledge Property.

Any person, firm or corporation residing within the corporate limits of the City of Newberg so applying to said city for use of its municipal sewer system, which person, firm or corporation shall be the owner of the legal title to the real property situate within the corporate limits of said city and where said sewer service is to be furnished may, in lieu of the cash deposit provided for in and by Section 203(A) of this ordinance hereinabove, at the time of making such application for sewer service, consent in writing that any and all unpaid delinquent rentals or other charges which may be incurred on account of sewer service furnished to said applicant or to said premises shall constitute a valid lien against the property in favor of the City of Newberg and, at the option of the city, may be enforced and collected in the same manner as any other municipal lien.

All such applications by the owners of property, wherein the real property is pledged to secure the payment of said delinquent rentals and charges, shall be signed by the owner or owners personally, or such other person as would be authorized to execute and deliver a good and sufficient deed of conveyance

to said premises under the laws of the State of Oregon.

(C) Systems Development Charge.

The systems development charge, defined and imposed in Article III, Section 303(F) of this ordinance shall be fixed by resolution of the city council and reviewed and amended as deemed necessary.

(D) Mandatory or Permissive Fees for Use of POTW.

For the purpose of recovering costs from users of the city's POTW for the implementation of programs established by this ordinance, the city shall adopt by resolution charges or fees which shall be set forth in the city's schedule of charges and fees. These charges and fees shall be reviewed and amended as deemed necessary and shall include:

- (1) Fees to fully recover the cost of operating and maintaining the POTW and its associated functions;
- (2) Fees to provide appropriate development and/or depreciation funds for the replacement of major components of the POTW;
- (3) Fees for reimbursement of costs of setting up and operating the city's pretreatment program, including industrial discharge permits;

and may also include:

- (4) Fees necessary to fulfill the city's obligations for any bonded indebtedness associated with POTW capital improvements;
- (5) Fees for monitoring, inspection and surveillance procedures;
- (6) Fees for reviewing accidental discharge procedures and construction;
- (7) Fees for new service connections;
- (8) Fees for filing appeals;
- (9) Fees for special treatment costs associated with extra-strength industrial wastewaters;
- (10) Other fees as the city may deem necessary to carry out the requirements contained in this ordinance.

These fees relate solely to the matters covered by this ordinance and are separate from all other fees chargeable by the city.

Section 204. CUSTOMERS OUTSIDE CITY.

No new connection to the municipal sewerage system of the City of Newberg shall be extended outside the corporate city limits, within or without the urban growth boundary, except to an existing dwelling. The new connection shall be used only to supply sewer use to an existing structure and will not be used to allow any new development.

Connection of the city sewerage system to dwellings outside the city limits shall be extended only in cases where the County of Yamhill has determined the existing service (i.e. septic tank or cesspool) to said dwelling cannot be repaired and shall be discontinued.

Users of the sewerage system outside the city limits shall be subject to all applicable deposits, connection fees, systems development charges and other appropriate fees and surcharges as set forth in this ordinance and shall meet all city construction standards for connection to the sewerage system.

Section 205. COLLECTION OF CHARGES; PENALTY FOR DELINQUENCY OR NONPAYMENT.

(A) Owner Responsible.

The person who owns the premises served by the sewerage system shall be responsible for payment of the sewer user charge for that property, notwithstanding the fact that the property may be occupied by a tenant or other occupant who may be required by the owner to pay said charges.

(B) Billing; Payment of User Charges.

The residential users of the sewerage system shall be billed on a bimonthly basis, multi-residential or standard discharge strength, nonstandard discharge strength and industrial users on a monthly basis for services after rendered, in accordance with the rate schedule set forth in Article II, Section 202 of this ordinance.

The date of billing shall be the first day of the month for the time period for which the sewer user charge is calculated as provided in Section 202 of this article. Sewer user charges shall be due and payable to the City Recorder no later than the 12th day of the month following monthly or bi-monthly billing.

(C) User Charges; Delinquency.

Sewer user charges levied in accordance with this ordinance shall be a debt due to the city and a lien upon the property. If this debt is not paid within 30 days after it

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Sewer user charges levied in accordance with this ordinance shall be a debt due to the city and a lien upon the property. If this debt is not paid within 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.

In the event it becomes necessary to certify the service charges established because of the nonpayment thereof, there shall be added to such charges a penalty in the amount of 10 percent thereof; and a finance charge of fifty cents per month will be added to the outstanding service charges for as long as the charges are not paid.

(D) Discontinuance of Service.

In the event of failure to pay sewer charges after they have become delinquent, the city shall have the right to remove or close sewer connections and enter upon the property for accomplishing such purposes. The expense of such discontinuance, removal, or closing, as well as the expense of restoring service shall be a debt due to the city and 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.

(E) Restoration of Service.

Sewer service shall not be restored until all charges, including interest accrued and the expense of removal, closing, and restoration shall have been paid. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

Section 206. HANDLING OF FUNDS.

(A) Billing Address.

Bills for sewer user charges shall be mailed to the address specified in the application for permit to make the connection unless or until a different owner or user of the property is reported to the Department of Public Works.

(B) Collection by City.

All collections of sewer user charges shall be made by the Finance Director by and through the Department of Public Works. Sewer user charges shall be computed as provided in Article II, Section 202 of this ordinance and shall be payable as provided in Section 205 of this article.

(C) Sewer Fund; Use.

The Finance Director is hereby directed to deposit in the Sewer Fund all of the gross revenues received from charges, rates and penalties collected for the use of the sewerage system as herein provided.

The revenues thus deposited in the Sewer Fund shall be used exclusively for the operation, maintenance, and repair of the sewerage system, reasonable administration costs; expenses of collection of charges imposed by this ordinance and payments of the principal and interest on any debts of the sewerage system of the City of Newberg.

ARTICLE III. SEWER CONNECTIONS

Section 301. USE OF PUBLIC SEWERS REQUIRED.

(A) Unlawful Uses.

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

(B) Pretreatment Required.

It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sanitary sewage, industrial wastewaters or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance and as approved and specifically permitted as necessary by the Oregon Department of Environmental Quality.

(C) Unlawful Disposal Systems.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(D) Connection Required.

The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any public street, alley or easement in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required at his or her expense to install suitable toilet and plumbing facilities therein and to connect such facilities directly with the proper side sewer in accordance with the provisions of this ordinance. Such connection shall be made within 90 days after the date of the official notice to do so; provided that said public sewer is within 100 feet of any property line. For the purposes of this section, notice shall be deemed to have been received upon the mailing of said notice in accordance with Section 602 of this ordinance.

(E) Failure to Connect.

Upon failure of the owner, lessee or occupant to connect said premises to a public sewer, within the stipulated time, the Director, after giving said owner, lessee or occupant an opportunity to be heard, may proceed to connect the premises to a public sewer, and the cost thereof shall be charged and become a city lien upon said property.

Section 302. PRIVATE SEWAGE DISPOSAL.

(A) Compliance.

Where a public sanitary sewer is not available under the provisions of Section 201(D), the building sewer shall be connected to a private sewage disposal system whose type, capacities, location and layout are in compliance with the provisions of this article and with requirements of the OSPSC, Yamhill County Sanitarian, and the rules and regulations of the Oregon Department of Environmental Quality.

(B) Permit Required.

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by a representative of the Oregon Department of Environmental Quality. That permit must also be signed by the Director for any proposed installation within the city's adopted urban growth boundary.

(C) Connection to Sewer System.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 301(D), a direct connection shall be made to the public sewer in compliance with this ordinance; including payment of all connection fees and systems development charges. Any septic tanks, cesspools and similar private sewage disposal facilities shall be removed or abandoned and filled with suitable material as required by the Oregon Department of Environmental Quality. When public sewer service is obtained, the connection or connections to the premises being served shall be made ahead of the private disposal system. No connections shall be made to the effluent side of existing septic tanks or cesspools.

(D) Owner Responsibility.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, including routine pumping, at no expense to the city. Evidence of untreated or partially treated wastewater on the ground surface shall be proof of an improperly functioning private sewage disposal facility.

(E) Intent in Law.

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

Section 303. SEWER CONNECTION PROCEDURES.

(A) Permit Required.

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the director. Said permit shall specify the location where the connection (or other approved work) shall be made, the manner of making the connection, the nature of the waste to be discharged to the sewer, the name and address of the owner, and the name of the sewer installer who will be doing the work. No permit shall be issued unless the sewer to which connection is requested has been accepted as a part of the public or commonly maintained private sewer system. No permit shall be issued without payment of all appropriate permit, connection, development and inspection fees, including any delinquent assessments against the owner of the property.

(B) Permit Types.

There shall be two types of building sewer permits:

Type 1, for residential and commercial service; and,

Type 2, for service to establishments producing industrial wastes.

There shall be the following classes of industrial users under the Type 2 sewer permit:

Class 1: Canneries, including food and animal processing.

Class 2: Industrial users of water in the processing or monitoring of products.

Class 3: All other industrial users.

Additional classes of industrial users may be established by the city as needed.

In any case, the owner or an agent thereof shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgement of the Director. Connection fees and systems development charges

for residential, commercial and industrial building sewer permits payable to the Director shall be in such amounts as provided for in Subsection (F) of this article.

(C) Industrial Wastewater Discharge Permit Required.

Industrial and institutional users shall not use the public sewer for the discharge of industrial or any other wastes either directly or indirectly without first obtaining an industrial wastewater discharge permit as provided in Article V of this ordinance.

(D) Emptying of Sewage Holding Tanks.

Every establishment providing facilities for the emptying of sewage holding tanks on trailers shall obtain a permit to do so. Such facilities shall be maintained in a clean and sanitary condition and shall be so constructed that surface drainage cannot enter the sewer. Plans for such dumping facilities constructed after the effective date of this ordinance shall be approved by the Director prior to construction. The permit fees shall be the same as that required for a sewer connection and shall be in addition to the appropriate connection fees and systems development charges.

(E) Payment of Connection Costs.

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

(F) Sewer Connection and Systems Development Charges.

- (1) The sewer connection fee shall be calculated based on estimates of actual costs incurred by the city in conjunction with the connection of said service, which includes tapping the main line and installing the side sewer to the property line, and shall be payable with the application for service. Costs in excess of the estimate shall be due upon completion of the connection work by the city and any excess shall be promptly refunded.
- (2) The systems development charge shall be charged on a per dwelling unit or dwelling unit equivalency basis at a rate set forth by resolution of the city council. Any premises which shall add additional dwelling unit equivalents to a structure served by an existing service shall be subject to an additional sewer systems development charge for the dwelling unit equivalents added.

A dwelling unit equivalency shall be defined as:

- (a) For residential purposes, individual dwelling unit within a multi-dwelling unit structure such as, but not limited to, duplexes, multi-family residential complexes, apartment houses, trailer courts and mobile home parks.
- (b) For nonresidential purposes, each ten (10) sewer openings as defined herein, or any portion thereof, shall be deemed and considered a dwelling unit equivalency.

All estimated sewer connection costs and systems development charges shall be paid at the time the building permit is issued. No building permits shall be issued or connections made unless full payment is received; except as provided in Subsection (5) of this Section.

For properties located outside the city limits, a factor of two (2) shall be multiplied times the systems development charge computed for the property or project if it were located within the city limits.

- (3) As used herein, the term "sewer openings" shall be defined to mean and include all lavatories, wash basins, toilets, bath tubs, showers, sinks, laundry trays, floor drains and any and all other fixtures or connections which shall provide an opening for sewage and waste to be drained into the sewer, but shall not include cleanout openings which are used solely for maintaining, repairing and/or cleaning the plumbing system on any premises.
- (4) Each separate building or structure is hereby required to possess a sewer connection permit, irrespective of the fact that the same may be under one ownership or constructed upon one property; and the fact that the same may be connected by doorways, archways, walks or appurtenances thereto shall not alter or change this provision.
- (5) Where existing premises are presently being served by a septic tank, the owner may apply for permission to pay the sewer connection fee and systems development charge in equal monthly installments, not exceeding 24 months. When aforesaid owner elects to pay the sewer connection fee and systems development charge in monthly installments, the unpaid balance of said connection fee shall bear interest at the rate of 12 percent per annum; and the unpaid balance of the sewer

connection fee and systems development charge, together with the interest charges thereof, shall constitute a lien upon the property until paid in full.

- (6) Revenue from sewer connection fees as defined in Subsection (F)(1) hereof shall be paid into the sewer fund to defray the cost of the side sewer constructed. Revenue from systems development charges shall be identified by special accounting such that the funds can be used to defray the cost of future sewage facilities improvements.

(G) Design/Construction Standards.

Plans for all public and private sewer systems shall be reviewed and approved by the Director prior to construction. Such plans shall conform to the requirements of the State Department of Environmental Quality, as well as City of Newberg standards prescribed by the Director. All public and commonly maintained private sewer systems shall be designed by a registered professional engineer. Although specific standards may apply in individual cases, general city standards are summarized below.

- (1) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Director, to meet all requirements of this ordinance.
- (2) The building sewer shall be cast iron pipe, ABS, PVC, or approved equal in accordance with the OSPSC. All joints and connections shall be made watertight and installed in accordance with the OSPSC. Any part of the building sewer that is located within 10 feet of a water service pipe shall be constructed of cast iron pipe. Cast iron pipe may be required by the Director where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of cast iron pipe; except that nonmetallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the Director.
- (3) The size and slope of the building sewer shall be subject to the approval of the Director, but in no event shall the diameter be less than four inches. The slope of such four-inch pipe shall be not less than one-fourth inch per foot toward the point of disposal, except with the approval of the Director.
- (4) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost but in no case shall be less than

one foot below the ground surface. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipes and fittings.

- (5) In all buildings in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such sewer shall be lifted by approved artificial means and discharged to the building sewer.
- (6) All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Director. Pipe laying shall be performed in accordance with pipe manufacturer's recommendations. In no case shall broken or damaged pipe be used.
- (7) Sewer connections shall be made only to the single wye or tee branch in the lateral sewer for which the connection is designated. If no wye or tee is available, connection shall be made by tapping the sewer main. Tapping of public sewers shall be done only by city crews or city authorized representative. The applicant shall obtain the necessary permits, make the necessary excavation and provide a safe trench in which the work can be accomplished.
- (8) Tapping of building sewers directly into manholes is prohibited except:
 - (a) Where provided for in original design and approved by the Director.
 - (b) When allowed by written permission of the Director because no other course is practical.
 - (c) Tapping shall be done only by outside drop to discharge at the base of the manhole.

(H) Cleanouts.

Cleanouts shall be installed on all new building sewers. The cleanout shall be placed vertically above the flow of the pipe and at a point near the connection of the building sewer to the building drain.

(I) Unacceptable Conditions.

No direct connection shall be made between the sanitary sewer system and any opening which will drain rain runoff, surface water, or subsurface water.

(J) Construction Safety Measures.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Director.

(K) Independent Drainage Systems.

The drainage system of each new dwelling unit and/or building using an existing sewer shall be separate and independent from that of any other dwelling and/or building. Every dwelling and/or building under separate ownership shall have an independent sewer connection with a public or private collection system.

(L) Parcelization of Private Collection Systems.

When property being served by a private collection system is divided into two or more parcels with different ownership:

- (1) The private wastewater collection system may be transferred to the public system with the consent of the Director and provided the private collection system meets the current city standards, or:
- (2) The private collection system shall be reconstructed to meet the current city standards, or:
- (3) Individual sewer service connections to the public main will be provided by the private collection system owner.

(M) Inspection Notification for Side Sewer Permit.

Reasonable notices shall be given to the Director to inspect all work in connection with the construction or reconstruction of any public sewer or connection thereof to a city sewer main while the work is still uncovered. The applicant for the side sewer permit shall notify the Director when the side sewer is ready for inspection at least three (3) working days prior to the date of the desired inspection. All work shall be done according to the specifications prescribed by, and subject to the approval of the Director.

(N) Inspection Notification for Building Sewer Permit.

The applicant for the building sewer permit shall notify the Building Official when the building sewer is ready for inspection and connection to the side sewer. The Building Inspector shall be notified at least three (3) working days prior to the date of the desired inspection. Reasonable notice shall also be given to the Building Official to inspect all

work in connection with the construction or reconstruction of any public sewer.

(O) Owner Responsibility.

It shall be the responsibility of the owner, lessee, or occupant of a building to maintain said building sanitary sewer or private collection system in a free flowing and watertight condition, from the structure served to the public sewer or the property line.

(P) Monitoring of Private Sewers.

New and existing private sewers will be periodically monitored by the city for leaks or discharges of extraneous water. This monitoring may take the form of, but is not limited to: direct visual observations; indirect measurements; television inspection; or air or water pressure tests, smoke tests or exfiltration tests.

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

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

Those users who do not comply with the infiltration/inflow regulations shall have a period of time as determined by the Director, but not to exceed 90 days unless approved otherwise by the Director, to each compliance with the regulations.

(Q) Discontinuance of Septic Tank or Cesspool.

In every instance in which use of a septic tank or cesspool is discontinued for any reason, the septic tank or cesspool shall be pumped out and emptied of sewage and sludge, the top demolished, and refilled with clean sand or gravel.

(R) Capping of Building Sewer for Abandonment.

- (1) Before a building can be moved or demolished, a building permit must be obtained from the city Building Official which requires that the sewer has been properly capped and inspected. No exceptions will be allowed.
- (2) All building sanitary sewers shall be capped at the public main in an approved manner by the property owner or his contractor and inspected by the city

prior to closure of the excavation. EXCEPTION:
If adequate proof can be given showing a sewer service is in usable condition and is to be reused, the director may allow the service to be capped at the property line.

- (3) It is the owner's responsibility to ensure that no other structure is connected to the sewer service being abandoned. If the line being abandoned is serving more than one structure, a service connection for the structure(s) still using the service must be provided, and the applicant shall relocate the sewer at his expense.
- (4) If the Director determines that capping at the main will cause undue hazard to the public or if a street has been recently resurfaced, a variance to this section may be granted to require that the sewer be capped as close to the main as is practical.

(S) Watertightness, Other Conformance Required.

All public or private sewer systems, whether publicly or privately constructed shall conform to current standards of design, materials, and workmanship prescribed by the Director. Failure to meet tests for watertightness shall be grounds for refusal of acceptance. Permits to connect to such sewers will not be issued until the system is approved and accepted. All new construction of private sewers, including single-family dwellings, shall conform to the OSPSC.

(T) Installations on Private Property.

All sewer and plumbing installations on private property to be connected with any sewer connection installed in accordance with this ordinance shall be installed in accordance with the provisions of the OSPSC and all ordinances, rules, and regulations of the City of Newberg applicable thereto; and said Director shall have the power to refuse to make or complete such sewer connection in the event of any failure to comply with the provisions of this paragraph.

ARTICLE IV. DISCHARGE REGULATIONS

Section 401. GENERAL DISCHARGE PROHIBITIONS

(A) Prohibited Pollutants.

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. Such pollutants include, but are not limited to, 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) Any liquids, solids, or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system (or at any point within the system) be more than five (5) percent, nor any single reading over ten (10) percent, of the lower explosive limit of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naptha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides and any other substances which the city has notified the user is a fire hazard or other hazard to the system.
- (3) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: oil, fat, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, manure, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, glass grinding or polishing wastes, creosote, fish or fowl heads, lard, tallow, baking dough, chemical residues, paint residues or cannery waste bulk solids (i.e., solids greater than one-half inch in any dimension).
- (4) Any wastewater having a pH less than 6.0 or greater than 9.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

- (5) Any wastewater containing toxic pollutants in sufficient quantity (either singly or by interaction with other pollutants) to: injure or interfere with any wastewater treatment process; constitute a hazard to humans or animals; create a toxic effect in the receiving waters of the POTW; or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.
- (6) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life, or are sufficient to prevent personnel entry into a sewer or pump station for maintenance and repair.
- (7) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations promulgated by DEQ.
- (8) Any substance which will cause the POTW to violate its NPDES permit or the receiving water quality standards.
- (9) Any wastewater with objectionable color not removed in the treatment process; such as, but not limited to, dye wastes and vegetable tanning solutions.
- (10) Any wastewater having heat in amounts which will inhibit biological activity in the POTW treatment plant resulting in interference; but in no case wastewater with heat in amounts such that the temperature at the treatment plant influent exceeds 40 degrees centigrade (104 degrees Fahrenheit). In no case shall wastewater exceeding 60 degrees centigrade (150 degrees Fahrenheit) be introduced into the POTW.
- (11) Any slugload, which means any pollutant, including oxygen demanding pollutants (BOD5, etc.) released in a single discharge episode of such volume or strength as to cause interference to the POTW.
- (12) Any material from a cesspool, wastewater holding tank, or septic tank. Septic tank pumpers may not discharge into the POTW unless specifically authorized in writing by the Director.

- (13) Any radioactive material, except in compliance with the current "Oregon Regulations for the Control of Radiation" (OAR 333-22-150).
- (14) Any wastewater which causes a hazard to human life or creates a public nuisance.
- (15) Any unusual concentrations of settleable or suspended solids which may interfere with the operation of the POTW, or require extraordinary attention or expense to handle such material at the POTW treatment works.
- (16) Any unusual concentrations of dissolved solids which may interfere with the operation of the POTW; such as, but not limited to, sodium chloride, calcium chloride, and sodium sulfate.

(B) Noncompliance; Procedures of the Director.

When the Director determines that a user is contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the Director shall:

- (1) Advise the user of the impact of the contribution on the POTW; and
- (2) Develop effluent limitations for such user to correct the interference with the POTW.
- (3) Follow the penalty procedures set forth in Section 402(G) of this article.

(C) Other Prohibitions.

- (1) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof or parking lot runoff, sump pumps, subsurface discharge, or uncontaminated cooling water to a sanitary sewer.
- (2) Stormwater, all other unpolluted drainage, uncontaminated cooling water and any discharge permitted by DEQ shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the director.
- (3) No person shall cause pollution of any water of the state or cause any waste to be placed in a location where such wastes are likely to escape to be carried into the storm drainage system and by said storm drains into the waters of the state.
- (4) Except as may be specifically permitted by DEQ, no person shall discharge into the storm drainage system

any material listed in Section 401 of this ordinance, or any other material which may cause nuisance problems. However, this does not restrict the city from working cooperatively with any user in the user's efforts to obtain necessary discharge permits from DEQ.

(D) Disposal of Oil and Grease.

- (1) Effective February 8, 1983, all new restaurants employing an oil and/or grease process shall install an approved oil/grease trap before discharging to the POTW. In the case of other users (including pre-existing restaurants), grease, oil and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for: the proper handling of liquid wastes containing oil or grease in excessive amounts as to cause plugging or maintenance problems within the collection system; any flammable wastes, and/or other harmful ingredients. Such interceptors shall be so located as to be readily and easily accessible for cleaning and inspection, and shall be approved by the director prior to installation.
- (2) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.
- (3) Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his or her expense, in continuously efficient operation. All cleaning residues shall be satisfactorily disposed of in an approved, environmentally acceptable manner.

Section 402. SPECIFIC DISCHARGE LIMITATIONS.

(A) Limits to Industrial Waste Discharge Permit Holders.

It is unlawful for a discharger, who has an effective industrial waste discharge permit pursuant to Article V of this ordinance to discharge wastes to the POTW in excess of the limitations established in the permit, or in violation of the prohibited discharge limitations in Section 401. The Director shall establish industrial waste discharge permit limitations to the extent necessary to enable the city to:

- (1) Comply with current National Pollutant Discharge Elimination System categorical and general pretreatment standards, and waste discharge requirements as promulgated by the U.S. Environmental

Protection Agency and the Oregon State Department of Environmental Quality;

- (2) Protect the public health and safety;
- (3) Protect the receiving water quality;
- (4) Protect the POTW; and,
- (5) To comply with all other applicable federal and state laws.

(B) Limitations on Specific Materials.

Unless stated in effective waste discharge permit, or as may be amended by ordinance of the Newberg City Council to meet future needs, no person shall discharge into the POTW any wastewater containing constituent materials in excess of the limits specified below:

(1)	Arsenic	1.0 mg/l
(2)	Boron	1.0 mg/l
(3)	Cadmium	0.5 mg/l
(4)	Chromium (Total)	5.0 mg/l
(5)	Chromium (Hexavalent)	1.0 mg/l
(6)	Copper	2.0 mg/l
(7)	Cyanide	1.0 mg/l
(8)	Lead	1.0 mg/l
(9)	Mercury	0.02 mg/l
(10)	Nickel	2.0 mg/l
(11)	Silver	1.0 mg/l
(12)	Zinc	2.0 mg/l
(13)	Phenolic Compounds (includes but is not limited to creosols and xylols)	1.0 mg/l
(14)	Total Oil and Grease (either soluble or n-hexane extractable)	100.0 mg/l

(C) Avoidance of Pretreatment Prohibited.

No user shall add or increase the use of potable or process water (or in any way attempt to dilute a discharge) as a partial or complete substitute for adequate pretreatment to achieve compliance with the standards and limitations set forth in this ordinance, or in an Industrial Waste Discharge Permit issued pursuant to this ordinance.

(D) Additional Limitations Permitted.

The city reserves the right to establish by ordinance, resolution, or individual wastewater discharge permit, more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in Section 103 of this ordinance.

(E) Compliance with State of Oregon Standards.

State of Oregon requirements and limitations on dischargers shall apply in any case where they are more stringent than Federal requirements and limitations or those in this ordinance.

(F) Federal Standards.

Upon promulgation of Federal Categorical Pretreatment Standards, those standards shall supersede the limitations imposed by this ordinance if they are more stringent.

(G) Penalties for Excessive Discharge.

A user determined by the Director to be in violation of the discharge limits and regulations established in Sections 401 and 402 of this article or whose monthly average discharge, as indicated on their Industrial Waste Discharge Permit for any calendar month exceeds the amounts or limitations allowed by the discharge permit, the following procedures and penalties shall be followed and imposed by the Director in such amounts fixed by resolution of the city council under the following guidelines:

- (1) 1st offense: For the first calendar month in which discharge permit amounts or limitations are exceeded as above-described, a written warning shall be issued stating that if such practice continues the user will be penalized and may be required to increase its pretreatment capabilities.
- (2) 2nd and 3rd offenses: For the second and third calendar months within twelve consecutive months of a first offense in which discharge permit amounts or limitations are exceeded as above-described, the user

shall be assessed penalties in a step wise manner, the third offense penalty equal to twice the second.

- (3) 4th offense: If discharge permit amounts or limitations are exceeded for a fourth calendar month (within the twelve-month period following the third offense), the user shall be charged a penalty of twice the third offense and be required to install additional pretreatment facilities to increase its pretreatment capabilities. If the user fails to pay for such additional capacity charges and/or fails to submit a schedule for pretreatment improvements within 10 days of receipt of notice of the same, the city may cut off sewer and/or water service to the industrial user. Thereafter, if such pretreatment improvements are not constructed in a timely fashion, the city shall have the right, with 10 day advance notice to user, to cut off sewer and/or water service to the user.

Section 403. FEDERAL CATEGORICAL PRETREATMENT STANDARDS.

(A) Compliance with Federal Standards.

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this ordinance. The director shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

(B) Modification of Specific Limitations.

Where the city's wastewater treatment system achieves consistent removal of pollutants limited by Federal Categorical Pretreatment Standards, the city may apply to DEQ for modification of specific limits in the Categorical Pretreatment Standards. "Consistent Removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in 95 percent of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of (Title 40 of the Code of Federal Regulations, Part 403) - "General Pretreatment Regulations for Existing and New Sources of Pollution," promulgated pursuant to the Act. The city may then modify pollutant discharge limits in the general pretreatment standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the DEQ is obtained.

(C) Federal Reporting Requirements.

- (1) Within 180 days after the promulgation of a Categorical Pretreatment Standard issued by EPA, the industrial waste discharger subject to such standard shall submit to the Director a report, as required by the EPA pretreatment regulations, which includes the following:
 - (a) the name and address of the facility and the name of the owner and operator;
 - (b) a description of all environmental control systems at the facility;
 - (c) a description of the operation;
 - (d) the average and maximum daily flow;
 - (e) the levels of the particular pollutants that are regulated in the standard; and
 - (f) a statement as to whether the applicable standards are being consistently met and, if not, what additional measures are necessary to meet them.

This report shall be signed by an authorized representative of the discharger.

- (2) This report shall be completed in compliance with the specific requirements of Section 403.12(b) of the General Pretreatment Regulations for Existing and New Sources (40 CFR Part 403) promulgated by the Environmental Protection Agency on January 28, 1981, or any subsequent revisions thereto.
- (3) If the information required in Section 403(C)(1) has already been provided to the Director, and that information is still accurate, the discharger may reference this information instead of submitting it again.

(D) User Reporting Requirements.

- (1) Within 90 days following the date for final compliance with applicable Categorical Pretreatment Standards or, in the case of a new source, before commencement of the introduction of wastewater into the POTW, any user subject to Categorical Pretreatment Standards and Requirements shall submit to the director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by

Categorical Pretreatment Standards and Requirements, and the average and maximum daily flow for these process units in the user facility which are limited by such categorical pretreatment standards or requirements. 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/or pretreatment is necessary to bring the user into compliance with the applicable categorical pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional engineer.

- (2) This report shall be completed in compliance with the specific requirements of Section 403.12(c) of the General Pretreatment Regulation for Existing and New Sources (40 CFR Part 403) promulgated by the Environmental Protection Agency on January 28, 1981 or any subsequent revisions thereto.
- (3) If the information required in Section 403(D)(1) has already been provided to the Director, and that information is still accurate, the discharger may reference this information instead of submitting it again.

Section 404. PRETREATMENT REQUIREMENTS.

(A) User Compliance.

Users shall provide necessary wastewater pretreatment as required to comply with this ordinance, and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided and maintained continuously in satisfactory and effective operation by the owner at owner's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Director for review, and shall be acceptable to the Director before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the director prior to the user's initiation of the changes.

(B) Agreement or Contract with the City.

Unless specifically exempted by the director in writing, any pretreatment requirements shall be incorporated in either:

- (1) an Industrial Waste Discharge Permit issued under Article V of this ordinance and made a condition of issuance of such permit; or
- (2) a contractual agreement between the city and the affected facility and made a condition of the acceptance of the waste from that facility.

(C) Compliance with Other Laws.

No person, by virtue of plan approval under Section 404(A), shall be relieved of compliance with other laws of the city and of the state relating to construction and to permits.

Seciton 405. ACCIDENTAL DISCHARGES, SPILLS AND UPSETS

(A) Notification; Procedure.

- (1) Any user experiencing an upset in operations, or a spill, which places the discharger in a temporary state of noncompliance with this ordinance, or an Industrial Wastewater Discharge Permit issued pursuant to Article V shall immediately notify the city of the upset or spill. Such notification shall include the location of the spill or discharge; type, concentration and volume of pollutant; any hazards which may be posed to life and/or property; and corrective actions proposed and/or being taken.
- (2) Within five (5) days following such an occurrence, the user shall submit to the director a detailed written report outlining the following:
 - (a) Description of the upset or spill, the cause thereof, and the upset's impact on the dischargers' compliance status.
 - (b) Duration of noncompliance, including exact dates and times of noncompliance, and if the non-compliance continues, the time by which compliance is reasonably expected to occur.
 - (c) All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or spill, or other conditions of non-compliance.
- (3) A notice informing employees of the the notification requirements, and containing a telephone number and/or individual to contact in the event of such an upset or spill, shall be posted in a conspicuous place, visible to all employees that may reasonably be expected to observe such a discharge.

- (4) Failure by any noncomplying user (or employees thereof) to report such noncompliance in the manner provided above shall constitute a violation of this ordinance; and subject said user to the penalties set forth in Article V. Each failure to report a discharge shall be considered a separate violation.
- (5) A documented, verified and bonafide operating upset may be considered in mitigation of any enforcement action brought by the director under this ordinance, provided the user complies with the notification and reporting requirements of this action.

(B) Schedule of Compliance.

Direct or indirect connections or entry points which could allow spills or uncontrolled discharges of hazardous or toxic substances or substances prohibited under Section 401(A) to enter the POTW shall be eliminated, labeled, or controlled so as to prevent the entry of wastes in violation of this ordinance. The director may require the industrial user to install or modify equipment or make other changes necessary to prevent such discharge as a condition of issuance of an Industrial Waste Discharge Permit or as a condition of continued discharge into the POTW. A schedule of compliance shall be established by the Director 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 director is a violation of this ordinance.

(C) Spill Prevention Plan for Hazardous and Toxic Substances.

- (1) Industrial or commercial users that handle, store or use hazardous or toxic substances or substances prohibited under Section 401(A) on their site shall prepare and submit to the Director a spill prevention plan within 90 days after receiving written notification to do so by the Director. The plan shall be directed at preventing the entrance of such substances, directly or indirectly, into the POTW. The plan 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 POTW;
 - (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.

A valid Spill Prevention, Control and Counter-measure (SPCC) Plan required under the Federal Clean Water Act may be acceptable in lieu of developing a new spill prevention plan, provided the plan adequately addresses the elements required herein.

- (2) The Director may require revisions to an industrial waste discharger's spill prevention plan if the plan contains elements that are inadequate, as determined by the director, or the discharger has a spill or uncontrolled discharge of a hazardous or toxic substance prohibited under Section 401(A) into the POTW.

ARTICLE V. INDUSTRIAL WASTE DISCHARGE PERMITS.

Section 501. REQUIREMENTS FOR A PERMIT.

(A) Discharge Specifications.

Except as provided in Section 501(B), an industrial waste discharger shall have an Industrial Waste Discharge Permit prior to discharging into the POTW if:

- (1) The discharge is subject to promulgated National Categorical Pretreatment Standards; or
- (2) The discharge contains pollutants in concentrations or quantities that interfere or have the potential to interfere with the operation of the POTW, or increase the costs of operation of the POTW as determined by the Director; or
- (3) The discharge requires pretreatment, as determined by the Director, in order to comply with the discharge limitations in this ordinance; or
- (4) The discharge has a maximum instantaneous flow which exceeds 25,000 gallons of dry weather wastewater flow per day.

(B) Existing Dischargers.

- (1) Applicable dischargers that are in existence prior to the effective date of this ordinance shall be notified in writing by the Director that an Industrial Waste Discharge Permit is required. Such existing dischargers shall be allowed to continue discharging into the POTW without an Industrial Waste Discharge Permit until a permit is issued or denied, provided the discharger files a completed applicaiton for an

- (d) a description of employee training in the prevention and control of spills.

A valid Spill Prevention, Control and Counter-measure (SPCC) Plan required under the Federal Clean Water Act may be acceptable in lieu of developing a new spill prevention plan, provided the plan adequately addresses the elements required herein.

- (2) The director may require revisions to an industrial waste discharger's spill prevention plan if the plan contains elements that are inadequate, as determined by the director, or the discharger has a spill or uncontrolled discharge of a hazardous or toxic substance prohibited under Section 401(A) into the POTW.

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- (2) The discharge contains pollutants in concentrations or quantities that interfere or have the potential to interfere with the operation of the POTW, or increase the costs of operation of the POTW as determined by the Director; or
- (3) The discharge requires pretreatment, as determined by the Director, in order to comply with the discharge limitations in this ordinance; or
- (4) The discharge has a maximum instantaneous flow which exceeds 25,000 gallons of dry weather wastewater flow per day.

(B) Existing Dischargers.

- (1) Applicable dischargers that are in existence prior to the effective date of this ordinance shall be notified in writing by the director that an Industrial Waste Discharge Permit is required. Such existing dischargers shall be allowed to continue discharging into the POTW without an Industrial Waste Discharge Permit until a permit is issued or denied, provided the discharger files a completed applicaiton for an

Industrial Waste Discharge Permit within ninety (90) days of the receipt of the notice.

- (2) It is the expressed intent of this ordinance that in the absence of a specifically identifiable problem requiring further pretreatment, existing dischargers shall retain their presently allocated discharge limits, including a reasonable margin for business growth. Such limits, however, may be subject to reduction under the provision of Section 405(A) of this ordinance.
- (3) Dischargers that require an Industrial Waste Discharge Permit and are allowed to continue discharging without such a permit under Section 501(B)(1) shall comply with Sections 401(A), 402(B) through (F), 405, 507 and 508 of this ordinance.

Section 502. PERMIT APPLICATION.

(A) Completion of Application.

Application for an Industrial Waste Discharge Permit shall be made to the Director on forms provided by the Department of Public Works. The application shall not be considered complete until all information identified on the form is provided, unless specific exemptions are granted by the Director. The permit application shall specify the number of hours per month during which the industrial user is in full time or partial operation, and if partial, the extent of such operations.

(B) Applicant Time Limitations.

Completed applications for new permits shall be made within ninety (90) days after receiving the Director's written notification to do so; or longer if specifically authorized; or, for new discharges, at least ninety (90) days prior to the date the discharge is to begin. The required ninety day lead time for making application for a new discharge may be decreased by the Director if requested by the applicant for good and valid cause.

(C) Permit Renewal.

Existing industrial dischargers holding a current waste discharge permit shall apply for permit renewal sixty (60) days before the present permit expires. Information to be supplied by present permittees will consist of any changes from present permits that may have been made since the current permit was issued or any additional information that may be required by the Director.

Industrial Waste Discharge Permit within ninety (90) days of the receipt of the notice.

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- (3) Dischargers that require an Industrial Waste Discharge Permit and are allowed to continue discharging without such a permit under Section 501(B)(1) shall comply with Sections 401(A), 402(B) through (F), 405, 507 and 508 of this ordinance.

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Application for an Industrial Waste Discharge Permit shall be made to the Director on forms provided by the Department of Public Works. The application shall not be considered complete until all information identified on the form is provided, unless specific exemptions are granted by the Director.

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Completed applications for new permits shall be made within ninety (90) days after receiving the Director's written notification to do so; or longer if specifically authorized; or, for new discharges, at least ninety (90) days prior to the date the discharge is to begin. The required ninety day lead time for making application for a new discharge may be decreased by the Director if requested by the applicant for good and valid cause.

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Existing industrial dischargers holding a current waste discharge permit shall apply for permit renewal sixty (60) days before the present permit expires. Information to be supplied by present permittees will consist of any changes from present permits that may have been made since the current permit was issued or any additional information that may be required by the Director.

Section 503. PERMIT ISSUANCE AND CONDITIONS.

(A) Director's Response Time.

Industrial Waste Discharge Permits shall be issued or denied by the Director within 90 days after a completed application for a new permit is received, or within sixty (60) days after a completed renewal application is received. This time schedule may be extended by the Director if additional information or an outside consultant is needed to evaluate the application.

(B) Conditions of Permit.

Industrial Waste Discharge Permits shall contain conditions which meet the requirements of this ordinance, as well as those or applicable state and federal laws and regulations. Such conditions may include the following:

- (1) The current schedule of user charges and fees for the wastewater to be discharged to the POTW.
- (2) Limits on the average and maximum wastewater constituents and characteristics.
- (3) Limits on average and maximum rate and time of discharge or requirements for flow regulation and/or equalization.
- (4) Requirements for installation and maintenance of inspection and sampling facilities.
- (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedules.
- (6) Compliance schedules.
- (7) Requirements for submission of technical reports or discharge reports.
- (8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Director, and affording city access thereto.
- (9) Requirements for notification to the city of any new introduction of wastewater constituents, or any substantial change in the volume or character

of the wastewater constituents being introduced into the POTW.

(10) Requirements for notification of excessive slugloads.

(11) Other conditions as deemed appropriate by the director to ensure compliance with this ordinance.

(C) Pretreatment Requirements.

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

(D) Compliance Schedule.

Whenever a discharge permit requires installation or modification of pretreatment facilities, or a process change necessary to meet discharge standards or spill control requirements, a reasonable compliance schedule shall be included which establishes the date for completion of the changes, and any appropriate interim dates. Such interim dates shall be no more than nine (9) months apart.

(E) Permit Time Periods.

The initial permit shall be issued for one (1) year. Subsequent permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit renewal a minimum of 60 days prior to the expiration of the user's existing permit.

(F) Denial of Permit.

The Director may deny the issuance of a discharge permit if the discharge will result in violation of city, state or federal laws or regulations; will overload or cause damage to any portion of the POTW; or will create an imminent or potential hazard to personnel.

Section 504. MODIFICATION OF PERMITS.

(A) Cause for Modification.

An Industrial Waste Discharge Permit may be modified for good and valid cause at the request of the permittee or at the discretion of the Director.

(B) Requests for Modification.

Permittee modification requests shall be submitted in writing to the Director and shall contain a detailed des-

cription of all proposed changes in the discharge. The director may request any additional information needed to adequately prepare the modification or assess its impact.

(C) Denial of Request.

The Director may deny a request for modification if the change will result in violations of city, state or federal laws or regulations; will overload or cause damage to any portion of the POTW; or will create an imminent or potential hazard to personnel.

(D) Notification of Modification.

If a permit modification is made at the direction of the Director the permittee shall be notified in writing of the proposed modification at least thirty (30) days prior to its effective date (except in the event of an emergency), and informed of the reasons for the changes. Any requirements for installation of modification of pretreatment and/or monitoring facilities, or process changes, shall include a reasonable time schedule for compliance.

(E) Permit Issuance Required.

A modification to the permittee's discharge permit must be issued by the Director before any significant change is made in the volume or level of pollutants in an existing permitted discharge to the POTW. Changes in the discharge involving the introduction of a 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 502 of this article.

(F) Revision of Federal Standards.

Within nine months of the promulgation of a National Categorical Pretreatment Standard, the wastewater discharge permit of users subject to such standards shall be revised by the director to require compliance with such standard within the time frame prescribed by such standard. Where a user subject to a National Categorical Pretreatment Standard has not previously submitted an application for a wastewater discharge permit as required by Section 501, the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, any user subject to National Categorical Pretreatment Standards shall, within 180 days after promulgation of such standards, submit a report to the director in accordance with Section 403(C) of this ordinance.

Section 505. PERMIT TRANSFER.

Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be assigned, transferred or sold to another user, different premises, or a new or changed operation without the approval of the Director. Any succeeding user shall agree in writing to comply with the terms and conditions of the existing permit as a condition precedent to the approval by the Director of a transfer, sale or assignment of the permit.

Section 506. REVOCATION OF PERMIT.

Any Industrial Waste Discharge Permit may be revoked as a result of violations of this ordinance, applicable state and/or federal regulations, or the conditions of the permit.

Section 507. PERMITTEE MONITORING AND REPORTING.

(A) Reporting Requirements.

Any user that is required to have an Industrial Waste Discharge Permit pursuant to Section 501 shall submit to the director during the months of June and December, unless required on other dates and/or more frequently by the Director, a report indicating the nature of the effluent over the previous six month period. The report shall include, but is not limited to, a record of the concentrations (and mass if limited in the permit) of the limited pollutants that were measured and a record of all flow measurements that were taken.

(B) Frequency of Monitoring.

The frequency of the monitoring shall be determined by the Director and specified in the Industrial Waste Discharge Permit. If there is an applicable effective National Categorical Pretreatment Standard, the frequency shall not be less than that prescribed in the standard.

(C) Measurement of Flows.

Flows shall be reported on the basis of actual measurement; provided, however, where cost or feasibility considerations justify, the Director may accept reports of average and maximum flows estimated by verifiable techniques or other method approved by the director. However, pump timers or other indirect measurement devices will not be acceptable. The measured flows will be used to compute the sewer service charges.

(D) Reporting Requirements of Other Users.

The Director may require reporting by other users that are not required to have an Industrial Waste Discharge Permit if information and/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 POTW.

(E) Monitoring Procedures.

- (1) Periodic monitoring shall be performed by either the user or the city to insure compliance with this ordinance and any associated permit. The Director may require self-monitoring by the user or, if requested by the user, may agree to perform the periodic compliance monitoring needed to prepare the periodic compliance report required under this section. Such monitoring shall be by any means appropriate to meet the requirements of this ordinance and satisfy the needs of both the city and user.
- (2) If the Director agrees to perform such periodic compliance monitoring, the Director shall charge the user for the monitoring, based upon the costs incurred by the city for sampling and analyses. Any such charges shall be added to the normal sewer charge and shall be payable as part of the sewer bills.
- (3) The Director is under no obligation to perform the periodic compliance monitoring for a user.
- (4) Periodic compliance monitoring is that monitoring which is necessary to provide the information on discharge quantity and quality required for the periodic compliance reports.
- (5) Samples of wastewater being discharged into the POTW shall be representative of the discharge, and shall be taken after pretreatment, if any, and before dilution by other water. The sampling method shall be one approved by the director and one in accordance with good engineering practice.
- (6) Laboratory procedures used in the examination of industrial wastes shall be in accordance with those set forth in 40 CFR Part 136 and any amendments thereto. If there are no approved test procedures for a particular pollutant, then analyses shall be performed using other validated procedures approved by the Director.

(F) Monitoring Access.

The Director may require a user to install and maintain at the user's expense a suitable manhole in the user's building sanitary sewer, or other suitable monitoring access, to allow observation, sampling and measurement of all industrial wastes being discharged into the POTW. It shall be constructed in accordance with plans approved by the Director and shall be designed so that flow measuring and sampling equipment may be conveniently installed. Access to the manhole or monitoring facilities shall be available to city representatives at all times.

(G) Flow Measurement and Sampling Station.

The flow measurement and sampling station shall be located and constructed at the user's expense in a manner acceptable to the Director. Complete plans for all phases of the proposed installation, including all equipment proposed for use, shall be submitted to the Director for approval prior to construction. Approved measuring and sampling facilities shall be installed and operating within ninety (90) days following written notification to do so by the Director. The Director may extend this schedule if specifically warranted by equipment delivery delays or construction/installation difficulties beyond the user's reasonable control.

(H) Installation and Maintenance of Equipment.

All devices, access facilities and related equipment shall be installed by the user at the user's expense and shall be maintained by said user so as to be in safe and proper operating condition at all times, and readily accessible to the Director and designated city employees or agents during the operating day.

(I) Record Keeping Requirements.

The user shall keep flow and maintenance/operation records as required by the Director, and shall provide qualified personnel to properly maintain and operate the facilities.

(J) Periodic Calibration.

Calibration of flow meters, pH recorders and samples shall be performed annually (or as required) by a qualified technician. Maintenance and calibration adjustments shall be recorded daily and records shall be readily available to city inspectors. All costs for such calibration as well as maintenance, repair, replacement or additional equipment needed to reliably and accurately monitor the discharge shall be the user's responsibility.

(K) Prohibitions.

Bypassing pretreatment or measuring apparatus, shutting

off samplers, diluting samples, or other action to defeat accurate measuring and sampling of waste discharges is prohibited.

Section 508. CITY INSPECTION AND SAMPLING.

(A) Inspection of Facilities and Equipment.

Authorized city representatives may inspect the facilities of any user to determine compliance with the requirements of this ordinance. Facilities not having an Industrial Waste Discharge Permit shall be inspected at least annually. The user shall allow authorized city representatives to enter upon the premises of the user at all reasonable hours, for the purpose of inspection, sampling, records examination, or in the performance of any of the duties to insure compliance with this ordinance. The city shall also have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. 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 the wastes.

(B) Entry of City Representatives.

Where applicable, the user shall make arrangements with its employees so that upon presentation of their credentials, representatives from the city will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.

(C) Conditions for Entry.

The following conditions for entry shall be used by city representatives:

- (1) The authorized city representatives shall present appropriate credentials at the time of entry;
- (2) The purpose of the entry shall be for inspection, observation, measurement, sampling or testing in accordance with the provisions of this ordinance;
- (3) The entry shall be made at reasonable times during normal operating or business hours, unless an emergency situation exists as determined by the Director.
- (4) All regular safety and sanitary requirements of the facility to be inspected shall be complied with by the city representative(s) entering the premises.

(D) User Rights to Samples.

Samples that are taken by city personnel for the purposes of determining compliance with the requirements of this ordinance shall be split with the user (or a duplicate sample provided in the instance of fats, oils and greases) if requested before or at the time of sampling. The results of all city sample analyses and any inspection reports shall be provided to the user.

Section 509. Confidential Information.

(A) Access to Records and Reports.

Any records, reports or information obtained under this ordinance shall be available to the public or any governmental agency, unless classified by the Director as confidential. In order to obtain a classification of confidential on all or part of any records, reports or information submitted, the user shall:

- (1) submit a written request to the Director identifying the material that is desired to be classified as confidential; and
- (2) demonstrate to the satisfaction of the Director that records, reports or information, or particular parts thereof, if made public would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

(B) Discharge Data Not Confidential.

Information and data on discharge quantity and quality submitted pursuant to this ordinance shall not be classified as confidential.

(C) Restrictions on Confidential Information.

Records, reports or information or parts thereof classified as confidential by the Director shall not be released or made part of any public record or hearing unless such release is ordered by a court of competent jurisdiction. However, such confidential information shall, upon written request, be made available to state or federal agencies having jurisdiction, duties or responsibilities relating to this ordinance, the National Pollutant Discharge Elimination System or State of Oregon waste disposal laws and regulations. Confidential information shall not be transmitted to any governmental agency by the director until and unless a ten (10) day written notification is given to the user, and unless the governmental agency receiving the confidential information has procedures for safeguarding the information.

ARTICLE VI. ENFORCEMENT.

Section 601. HARMFUL DISCHARGES.

(A) Termination or Limitation of Services.

The city may, notwithstanding the provisions of Article IV, Sections 401 and 402 of this ordinance, terminate or limit the wastewater treatment service, a wastewater discharge permit, and/or municipal water service when such termination or limitation is necessary, in the opinion of the Director, to stop an actual or threatened discharge which: presents or may present an imminent or substantial threat to the health and/or welfare of persons or the environment; causes interference or damage to the POTW; or causes the city to violate any condition of its NPDES permit.

(B) Notice of Termination or Limitation.

Written notice of the termination or limitation shall be given in accordance with Section 602(C) of this ordinance, and shall specify the date when the termination or limitation is to be effective.

(C) Response to Order.

Any person notified of a termination or limitation of the wastewater treatment service or the wastewater discharge permit shall immediately stop or limit the contribution. In the event of a failure of the person to comply voluntarily with the termination or limitation order, the Director shall take such steps as deemed necessary, including immediate severance of the sewer connection and/or termination of municipal water service, to prevent or minimize damage to the POTW or endangerment to any individual. The Director shall reinstate the wastewater discharge permit, the wastewater treatment service, and/or municipal water service, upon proof of the elimination of the noncomplying discharge. Such proof shall include a detailed written report submitted by the user in accordance with Section 305 of this ordinance.

Section 602. VIOLATIONS, NOTIFICATIONS AND SHOW-CAUSE HEARINGS

(A) Violation Defined.

Notwithstanding the provisions of Article IV, Sections 401 and 402 of this ordinance, a violation shall have occurred when any requirement of this ordinance has not been met; or when a written request of the Director, made under the authority of this ordinance, is not met within the specified time; or when a condition of a permit or contract issued under the authority of this ordinance is not met within the specified

time; or when permitted effluent limitations are exceeded, regardless of intent or accident; or when false information has been provided by the discharger.

(B) Continuing Violations.

Each day of continuing violation shall be considered as a separate violation.

(C) Notice of Violation.

Upon determination by the Director that a violation has occurred or is occurring, the Director may issue a written notice of violation to the user which outlines the violation and the potential liability. The notice may further request correction of the violation within a specified time and/or require written confirmation of the correction or efforts being made to correct the violation by a specified date. The notice shall be either personally delivered to the discharger's premises or be sent certified mail, return receipt requested to the discharger's premises. If the user is a corporation, notification may be to the appropriate agent or officer. Emphasis shall be placed on resolving such violations through mutual cooperation, assistance and communication.

(D) Procedure Upon Determination of Violation.

Upon determination by the Director that a violation has occurred or is occurring:

- (1) The Director may order the user to show cause why the proposed enforcement action should not be taken. A written notice shall be served on the user specifying the time and place of a hearing to be held by the Director regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause why the proposed enforcement action should not be taken. Notification shall be made at least ten (10) days before the hearing, and in accordance with Section 602(C) of this ordinance.
- (2) At any hearing held pursuant to this ordinance, testimony taken shall be recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the costs thereof.
- (3) The Director shall forward a finding of fact and a resulting recommendation to the city council via the city manager. After the city council has reviewed the evidence on the record, it may issue an order to the user responsible for the discharge directing that (following a specified time period) the sewer

service be discontinued unless:

- (a) adequate pretreatment facilities, devices or other related appurtenances shall have been installed; and/or
- (b) existing pretreatment facilities, devices, or other related appurtenances are properly operated and maintained.

Further orders and directives as are necessary and appropriate may be issued.

- (4) In situations that the Director determines to be emergencies (as defined in Section 603(B)(3), the Director may order the discontinuance of sewer service in accordance with Section 603. City council action is not required under such emergency conditions.

(E) Court Action.

The city council may initiate appropriate civil action through the city attorney in a court of competent jurisdiction to enjoin a violation, and obtain corrective measures and any other appropriate relief if action under Sections 602(C) and (D) has not satisfactorily resolved the violation.

Section 603. REVOCATION OF PERMIT AND/OR TERMINATION/SUSPENSION OF SERVICE.

(A) Termination or Suspension of Discharge.

The Director may terminate a discharge into the POTW, revoke a permit, or suspend such discharge for a specified length of time if:

- (1) The discharge presents or may present an imminent and substantial danger to the health or welfare of persons or the environment, or causes interference with the operation of, or damage to, the POTW; or
- (2) The permit to discharge into the POTW was obtained by misrepresentation of any material fact or by lack of full disclosure; or
- (3) Directed by the city council or a court of competent jurisdiction in accordance with Section 602.

(B) Notice of Revocation or Suspension.

Notice in accordance with Section 602(C) of this ordinance shall be provided to the user prior to revoking, terminating, or suspending the discharge; and/or termination, revoking, or suspending the user's municipal water service.

- (1) In situations that are not emergencies, the notice shall be in writing; shall contain the reasons for the revocation, termination or suspension; the effective date, and the name, address and telephone number of a city contact; shall be signed by the Director; and shall be issued no less than thirty (30) days prior to the date specified for revocation, termination or suspension.
- (2) In situations that are determined to be emergencies by the Director, the initial notice may be verbal or written and shall contain the information required in Section 603(B)(1). If verbal notice is given, it shall be followed within two (2) working days by a written notice. The effective date of the termination or suspension in emergency situations may be immediately after verbal or written notice has been given as required in this paragraph.
- (3) For the purposes of this section, an emergency situation is defined as a situation in which action must be taken as rapidly as possible in order to prevent or reduce an imminent and substantial danger to the health or welfare of persons, property, or the POTW.

(C) User Termination of Discharge.

Any user whose permit has been revoked, or whose service has been terminated or suspended, shall immediately stop all discharge of wastewater into the POTW. The Director may, without any liability for prosecution or damages, disconnect or permanently block from the POTW the connection of any user whose permit has been revoked, or whose service has been terminated or suspended, if such action is necessary to insure compliance with the order of revocation, termination or suspension. Similar action to suspend the user's municipal water service may be taken if deemed necessary by the Director.

(D) Filing of Appeal.

Except in emergency situations as defined in Section 603 (B)(3), the filing of an appeal pursuant to Section 605 shall stay enforcement of the action by the Director under this subsection pending final administrative action on the appeal. This provision supplements and does not restrict other provisions of this ordinance, laws or regulations authorizing termination of service for delinquency in payment of fees or charges.

(E) Limited Termination or Suspension.

Decisions by the Director to terminate or suspend a discharge shall be made after due consideration of all known facts. Said termination or suspension may be directed to only specific, non-complying flows within a facility. This section

does not universally require the termination of all user operations, particularly if some operations are not wastewater contributions.

Section 604. PUBLIC NOTIFICATION.

The city shall annually publish in the daily newspaper any significant violations of the pretreatment standards as defined in 40 CFR Part 403.8 (f)(vii), together with a summary of enforcement actions taken. All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or DEQ upon written request.

Section 605. APPEALS.

(A) Filing and Response Time.

Any person aggrieved by any decision or action of the Director under this ordinance may file a written request with the city manager for reconsideration thereof within ten (10) days of notification of such decision or action. The notice of appeal shall be on a form provided by the director and shall set forth in reasonable detail the decision or action appealed from and the facts and arguments supporting the appellant's request for reconsideration. The city manager shall render a final written determination within ten (10) days of the receipt of such request for reconsideration. The city manager may establish such procedures as may be deemed necessary or proper to conduct the reconsideration process. The filing of a request for reconsideration shall be a condition precedent to the right to appeal to the city council pursuant to Section 605(B). The filing of an appeal shall not stay enforcement of the action by the Director in emergency situations as defined in Section 603(B)(3).

(B) Appeal of Final Determination.

Any person aggrieved by the final determination of the city manager may appeal such determination to the city council within ten (10) days of notification by the city manager of final determination. Written notification of such appeal shall be filed with the city council and city manager (together with the payment of a fee of \$50) within ten (10) days after receipt of the final determination of the city manager, and shall set forth in reasonable detail the decision or action appealed from, and the facts and arguments supporting the appellant's request for reversal or modification of the city manager's determination.

The city council shall conduct a hearing on the appeal according to procedures established by the council. Said hearing shall be conducted at the earliest possible regularly scheduled council meeting, with final council action being taken on the appeal within sixty (60) days after its initial filing.

Section 606. RECORDS RETENTION.

All users subject to this ordinance shall retain and preserve for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of a discharger in connection with its discharge. All records which pertain to matters which are the subject of any enforcement or litigation activities brought by the city pursuant hereto shall be retained and preserved by the user until all enforcement activities have concluded, and all periods of limitation with respect to any and all appeals have expired.

Section 607. FALSIFYING INFORMATION.

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall be in violation of this ordinance, and upon conviction, be punished as established by this ordinance.

Section 608. PENALTIES AND COST RECOVERY.

(A) Penalties for Violations.

Notwithstanding the provisions of Article IV, Sections 401 and 402 of this ordinance, no unauthorized person shall maliciously, willfully or negligently break, damage, destroy or uncover any structure, appurtenance or equipment which is a part of the POTW. Any person violating this provision shall be guilty of a civil violation and, upon conviction thereof, shall be punished by a fine not to exceed \$1,000. Each day of continuing violation shall constitute a separate offense.

(B) Continuing Violations.

Any user who is found to have violated an order of the city council or who willfully or negligently failed to comply with any provision of this ordinance, and the orders, rules, regulations and permits issued hereunder, shall be guilty of a civil violation and upon conviction, may be fined a maximum of \$1,000 for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the city may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate court action against the person found to have violated this ordinance or the orders, rules regulations and permits issued hereunder.

(C) Cost Recovery.

- (1) The Director shall recover all reasonable costs incurred by the city as a result of a violation of this ordinance. Said costs include, but are not necessarily limited to:
 - (a) work necessary to prevent and/or repair damage to the POTW;
 - (b) additional treatment and similar extraordinary measures;
 - (c) any penalties levied against the city for violation of state and/or federal permits resulting from said discharge.
- (2) Notification of the costs to be recovered under Section 608(C)(1) shall be in accordance with Section 602(C). Such notification shall state the specific violation(s), the damages and penalties sustained by the city, the costs of those damages and penalties, and the costs the Director has determined as attributable to the discharge and, therefore, billed to the discharger.
- (3) The costs are due and payable by the discharger upon receipt of the letter.
- (4) The Director may (with the concurrence of the city manager) terminate or suspend water service and/or discharge service for nonpayment of costs that the user has been ordered to pay by the city.
- (5) The city council may, through the city attorney, place a lien against the discharger's property for nonpayment of costs that the user has been ordered to pay by the city.

Section 609. SEVERABILITY.

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

Section 610. 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 611. REPEAL.

Ordinance 1050, passed and approved February 7, 1949, as amended; and Ordinance 2108, passed and approved February 8, 1983, as amended, are hereby repealed.

Section 612. EMERGENCY.

Whereas, due to the growth of the City of Newberg, the existing sewer ordinances are inadequate and that the peace, health and safety of the people of the City of Newberg require that this ordinance shall be immediately effective; now therefore, an emergency is hereby declared to exist; and this ordinance shall be in full force and effect on _____.

Rev. 8/20/84