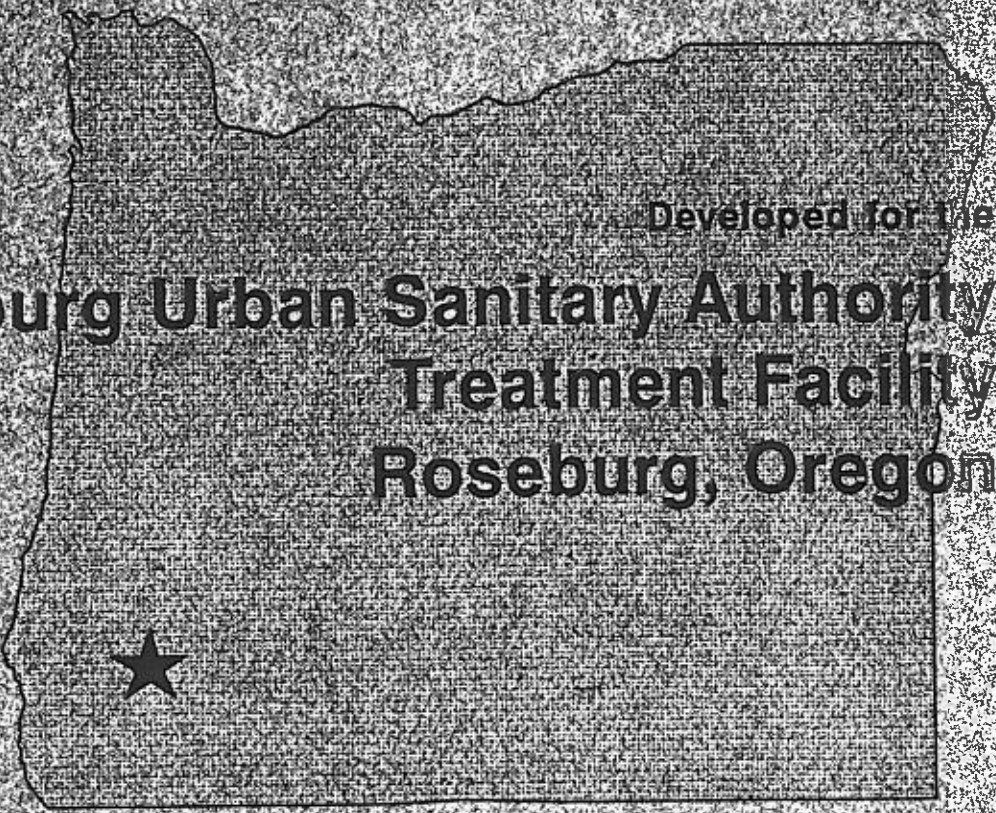




PRETREATMENT ORDINANCE



Developed for the
Roseburg Urban Sanitary Authority
Treatment Facility
Roseburg, Oregon

Prepared by



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THE ROSEBURG URBAN SANITARY AUTHORITY

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ORDINANCE NO. 20

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR THE USE OF AND DISCHARGE INTO THE PUBLICLY OWNED TREATMENT WORKS (POTW) OF THE ROSEBURG URBAN SANITARY AUTHORITY; ESTABLISHING PROHIBITIONS AND LIMITATIONS ON WASTEWATER DISCHARGES; PROVIDING FOR ORDINANCE ADMINISTRATION AND ENFORCEMENT; ESTABLISHING STANDARDS FOR CONSTRUCTION OF FACILITIES; ESTABLISHING FEES AND CHARGES AND COST RECOVERY PROCEDURES; ESTABLISHING AN EFFECTIVE DATE; AND REPEALING SECTION 6 OF ORDINANCE NO. 3.

WHEREAS, the federal "Clean Water Act amendments of 1977," as amended, 33 U.S.C. 1251 et seq. has resulted in a program of cleaning up our nation's water:

WHEREAS, the Roseburg Urban Sanitary Authority has already made and will continue to make a substantial financial investment in their wastewater treatment system to achieve the goals of the Act; and,

WHEREAS, the Roseburg Urban Sanitary Authority seeks to provide for the use of its POTW by industries served by it without impairment of their normal function of collecting, treating and discharging domestic wastewater, and without the discharge by the Roseburg Urban Sanitary Authority POTW of pollutants which would violate the discharge allowed under its National Pollutant Discharge Elimination System (NPDES) permit and the application rules of all governmental authorities with jurisdiction over such discharges.

NOW, THEREFORE, BE IT, RESOLVED AND ENACTED BY THE ROSEBURG URBAN

1 SANITARY AUTHORITY, as follows:

2

3

4 SECTION 1--GENERAL PROVISIONS

5 1.1 PURPOSE

6 This Ordinance sets forth uniform requirements for all uses of
7 and discharges into the POTW of the Roseburg Urban Sanitary Authority,
8 hereinafter referred to as Sanitary Authority, and enables the
9 Sanitary Authority to comply with all applicable State and Federal
10 laws and regulations pertaining to wastewater treatment and industrial
11 pretreatment.

12 The purpose of this Ordinance is:

13 (a) To prevent the introduction of pollutants into the POTW
14 which may cause injury to the public, the POTW personnel, or the POTW;

15 (b) To prevent the introduction of pollutants into the POTW
16 which may interfere with the operation of the system, cause the POTW
17 to violate it's NPDES permit, or contaminate the resulting sludge;

18 (c) To prevent the introduction of pollutants into the POTW
19 which may pass through the system inadequately treated into receiving
20 waters or into the atmosphere;

21 (d) To improve the opportunity to recycle and reclaim sludge
22 from the system;

23 (e) To comply with all state and federal regulations in
24 connection with the discharge of sewage waste;

25 (f) To prevent the introduction of pollutants into the POTW
26 which may preclude the selection of the most cost-effective

1 alternative for wastewater treatment and sludge disposal and to
2 provide an equitable distribution of the cost for acquisition,
3 construction, reconstruction, maintenance, and operation of the POTW;
4 and

5 (g) To provide for the adoption, by resolution, of regulations
6 to further promote and effect the above enumerated purposes.

7

8 1.2 LEGAL AUTHORITY

9 This Ordinance authorizes the Control Authority to:

10 (a) *Deny or condition new or increased contributions of*
11 *pollutants, or changes in the nature of pollutants, to the POTW by*
12 *Industrial Users;*

13 (b) Regulate the discharge of pollutants that could interfere
14 with the reclamation or disposal of wastewater or sludge, cause the
15 plant to exceed the NPDES effluent limitations, or cause pass-through
16 of pollutants to the receiving stream;

17 (c) Prohibit unauthorized or unpermitted discharges;

18 (d) *Require compliance with applicable Pretreatment Standards*
19 *and Requirements by Industrial Users;*

20 (e) Prohibit the discharge of pollutants that could interfere
21 with or inhibit the biological treatment processes at the plant or
22 cause pass-through to the receiving stream;

23 (f) Enforce the National Categorical Pretreatment Standards (as
24 promulgated), prohibited discharge standards and the local
25 limitations;

26 (g) *Control, through permit, order or similar means, the*

1 contribution to the POTW by each Industrial User;

2 (h) Require the development of a compliance schedule by each
3 Industrial User for the installation of technology required to meet
4 applicable Pretreatment Standards and Requirements and the submission
5 of all notices and self-monitoring reports from Industrial Users as
6 are necessary to assess and assure compliance;

7 (i) Carry out all inspection, surveillance, and monitoring
8 procedures necessary to determine compliance or noncompliance;

9 (j) Obtain remedies for noncompliance by any Industrial User
10 with any Pretreatment Standard and Requirement, including the ability
11 to seek injunctive relief, to seek or assess civil or criminal
12 penalties in at least the amount of \$1,000 a day for each violation;

13 (k) Recover from the Users the costs of damages to the POTW or
14 the environment; any fines, penalties or legal fees resulting from
15 NPDES or other POTW permit violations; and any other costs incurred as
16 a result of industrial discharge;

17 (l) Immediately and effectively halt or prevent any discharge of
18 pollutants to the POTW which reasonably appears to present an imminent
19 endangerment to the health or welfare of persons;

20 (m) Halt or prevent any discharge to the POTW which presents or
21 may present an endangerment to the environment or which threatens to
22 interfere with the operation of the POTW; and

23 (n) Comply with the confidentiality requirements set forth in 40
24 CFR 403.14.

25

26 1.3 POLICY

1 This Ordinance shall apply to all persons who are, by contract or
2 agreement with the Sanitary Authority, dischargers to the POTW. The
3 Control Authority shall administer and enforce the provisions of this
4 Ordinance, except as otherwise provided herein by the Sanitary
5 Authority.

6

7 1.4 DEFINITIONS

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

11 Accidental Spill Prevention Program (ASPP) means the program
12 conducted by the Control Authority to track potential spill hazards
13 within the industrial community. It includes requiring an Accidental
14 Spill Prevention Plan from each industrial user that identifies the
15 methods of spill prevention, response, and reporting conducted by the
16 user.

17 Act or "The Act" means the Federal Water Pollution Control Act,
18 also known as the Clean Water Act, as amended, 33 U.S.C. Part 1251, et
19 seq.

20 Approval Authority means, as defined in 40 CFR 403.3(c), *the*
21 *Director in an NPDES State with an approved State pretreatment program*
22 *and the appropriate Regional Administrator in a non-NPDES State or*
23 *NPDES State without an approved State pretreatment program. For the*
24 *purposes of implementation of the Pretreatment Program for the*
25 *Roseburg Urban Sanitary Authority, the Approval Authority is the*
26 *Oregon Department of Environmental Quality.*

1 Approved method or test procedure means analyses performed in
2 accordance with the analytical test procedures approved under 40 CFR
3 Part 136. Analysis for those pollutants not covered therein shall be
4 performed in accordance with procedures approved by the EPA
5 Administrator.

6 Authorized signatory means, as defined by 40 CFR 403.12(1),

7 (1) *A responsible corporate officer, if the industrial user is a*
8 *corporation; a responsible corporate officer means*

9 (i) *a president, secretary, treasurer, or vice-president of*
10 *the corporation in charge of a principal business function, or any*
11 *other person who performs similar policy- or decision-making functions*
12 *for the corporation,*

13 or (ii) *the manager of one or more manufacturing, production,*
14 *or operation facilities employing more than 250 persons or having*
15 *gross annual sales or expenditures exceeding \$25 million (in second-*
16 *quarter 1980 dollars), if authority to sign documents has been*
17 *assigned or delegated to the manager in accordance with corporate*
18 *procedures;*

19 (2) *A general partner or proprietor if the industrial user is a*
20 *partnership or sole proprietorship respectively;*

21 or (3) *A duly authorized representative of the individual*
22 *designated in (1) or (2) of this definition if*

23 (i) *the authorization is made in writing by the individual*
24 *described in (1) or (2) of this definition,*

25 and (ii) *the authorization specifies either an individual or a*
26 *position having responsibility for the overall operation of the*

1 facility from which the industrial discharge originates, such as the
2 position of plant manager, operator of a well, or well field
3 superintendent, or a position of equivalent responsibility, or having
4 overall responsibility for environmental matters for the company,
5 and (iii) the written authorization is submitted to the Control
6 Authority.

7 Biochemical oxygen demand (BOD) means the quantity of oxygen
8 utilized in the biochemical oxidation of organic matter under standard
9 laboratory procedure in five (5) days at 20 degrees Centigrade
10 expressed in terms of weight and concentration (milligrams per liter
11 (mg/l)) in accordance with an approved test procedure.

12 Categorical user means an industrial user classified according to
13 specific industrial subcategories for which separate regulations have
14 been established under subparts of 40 CFR Chapter I, Subchapter N.
15 These regulations establish specific quantities or concentrations of
16 pollutants or pollutant properties that may be discharged to a POTW.

17 Chemical oxygen demand (COD) means a measure of the oxygen-
18 consuming capacity of inorganic and organic matter present in water or
19 wastewater expressed as the amount of oxygen consumed by a chemical
20 oxidant in accordance with an approved test procedure.

21 Compatible pollutant means biochemical oxygen demand, suspended
22 solids, pH, fecal coliform bacteria, and such additional pollutants in
23 quantities that the POTW has the designed capacity to treat.

24 Compliance schedule means a schedule of remedial measures
25 including an enforceable sequence of actions or operations leading to
26 compliance with water quality standards, an effluent limitation or

1 other limitation, prohibition or standard.

2 Composite sample means, as defined by 40 CFR 403 Appendix E, a
3 sample comprised of a minimum of twelve (12) aliquots collected over a
4 period of no more than twenty-four (24) hours. The sample may be
5 collected manually or automatically.

6 Control Authority means, as defined in 40 CFR 403.12(a), (1) the
7 POTW if the POTW's Submission for its pretreatment program (Part
8 403.3(t)(1)) has been approved in accordance with the requirements of
9 Part 403.11; or (2) the Approval Authority if the Submission has not
10 been approved; the POTW, the City, or a local authority responsible
11 for implementation and enforcement of the approved pretreatment
12 program. In this case, the Control Authority is the Roseburg Urban
13 Sanitary Authority and its authorized representatives.

14 Cooling water means any water used for the purpose of carrying
15 away excess heat, and which may contain biocides used to control
16 biological growth or other additives to protect the system against
17 corrosion, scaling or other deterioration.

18 Discharge means an intentional or unintentional action or
19 omission resulting in the releasing, spilling, leaking, pumping,
20 pouring, emitting, emptying, or dumping of a pollutant into the waters
21 of the State, onto land or into wells from which it might flow or
22 drain into said waters or into waters or onto lands outside the
23 Jurisdiction of the State, which pollutant enters the waters of the
24 State or the United States. Discharge includes the release of any
25 pollutant into a POTW.

26 Domestic wastewater means the liquid waste or liquid borne waste

1 (1) resulting from the noncommercial preparation, cooking and handling
2 of food and/or (2) consisting of human excrement and similar wastes
3 from sanitary conveniences.

4 EPA means the United States Environmental Protection Agency.

5 Effluent data means information necessary to determine the
6 identity, amount, frequency, concentration, temperature, or other
7 characteristics of any pollutant discharge.

8 Effluent limitation means any restriction on quantities, quality,
9 rates and concentration of chemical, physical, thermal, biological,
10 and other constituents of pollutants.

11 Federal Categorical Pretreatment Standards means Pretreatment
12 Standards as codified in 40 CFR Chapter I, Subchapter N, Parts 405-
13 471, specifying quantities or concentrations of pollutants or
14 pollutant properties which may be discharged or introduced to a POTW
15 by existing or new industrial users in specific industrial
16 subcategories.

17 Flow-proportioned means a composite sample that is collected
18 continuously or discretely. Discrete sampling may be flow-
19 proportioned either by varying the time interval between each aliquot
20 or the volume of each aliquot. All composites must be flow-
21 proportional to each stream flow at time of collection of aliquot or
22 to the total flow since the previous aliquot.

23 Garbage means solid wastes from the domestic and commercial
24 preparation, cooking, dispensing, handling, storage and/or sale of
25 food, fruits, vegetables, poultry, fish or other aquatic organisms, or
26 meat.

1 Grab sample means, as defined in 40 CFR 403 Appendix E, an
2 *individual sample collected over a period of time not to exceed 15*
3 *minutes. It is a single sample taken at neither a specific time nor*
4 *flow and is representative of conditions or characteristics of the*
5 *discharge at the time that it is collected.*

6 Holding tank waste means any waste from holding tanks such as
7 vessels, chemical toilets, campers, trailers, septic tanks, and
8 vacuum-pump tank trucks.

9 Incompatible pollutant means any pollutant which is not a
10 "compatible pollutant" as defined in this Ordinance.

11 Indirect discharge means, as defined in 40 CFR 403.3(g), *the*
12 *introduction of pollutants into a POTW from any non-domestic source*
13 *regulated under section 307(b), (c) or (d) of the Act. The Act refers*
14 *to the Clean Water Act and source, as defined in section 306(a) of the*
15 *Act, means any building, structure, facility, or installation from*
16 *which there is or may be the discharge of pollutants.*

17 Industrial Pretreatment Coordinator (IPC) means the authorized
18 representative of the Control Authority that implements and
19 coordinates the pretreatment program.

20 Industrial user or User means, as defined in 40 CFR 403.3(h), a
21 *source of indirect discharge.*

22 Industrial waste survey questionnaire means a request for
23 information by the Control Authority of Users of the POTW on discharge
24 characteristics, operating procedures and schedules, water
25 consumption, waste disposal methods and amounts.

26 Interference means, as defined in 40 CFR 403.3(i), a *Discharge*

1 *which, alone or in conjunction with a discharge or discharges from*
2 *other sources, both:*

3 *(1) Inhibits or disrupts the POTW, its treatment processes or*
4 *operations or its sludge processes, use or disposal;*
5 *and (2) Therefore is a cause of a violation of any requirement of*
6 *the POTW's NPDES permit (including an increase in the magnitude or*
7 *duration of a violation) or the prevention of sewage sludge use or*
8 *disposal in compliance with the following statutory provisions and*
9 *regulations or permits issued thereunder (or more stringent State or*
10 *local regulations): Section 405 of the Clean Water Act, the Solid*
11 *Waste Disposal Act (SWDA) (including Title II, more commonly referred*
12 *to as the Resource Conservation and Recovery Act (RCRA), and including*
13 *State regulations contained in any State sludge management plan*
14 *prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the*
15 *Toxic Substances Control Act, and the Marine Protection, Research and*
16 *Sanctuaries Act.*

17 Liquid waste hauler means any person who transports waste by way
18 of truck or rail.

19 National Pollutant Discharge Elimination System (NPDES) means the
20 federal system for issuing, modifying, suspending, revoking and
21 reissuing, terminating, monitoring and enforcing discharge permits
22 pursuant to the Act.

23 National Pretreatment Standard means, as defined in 40 CFR 40 CFR
24 403.3(j), any regulation containing pollutant discharge limits
25 promulgated by EPA under Sections 307(b) and (c) of the Clean Water
26 Act applicable to Industrial Users, including the general and specific

1 prohibitions found in 40 CFR 403.5.

2 New source means as defined in 40 CFR 403.3(k) a facility from
3 which there is, or may be, a discharge of pollutants, construction of
4 which began after the publication of the proposed pretreatment
5 standards pursuant to Section 307(c) of the Clean Water Act (CWA),
6 which will apply to the facility if the standards are promulgated,
7 provided certain location and construction criteria are met.

8 Nondomestic wastewater means any wastewater that is not "domestic
9 wastewater" as defined in this Ordinance.

10 Ordinance means the ordinance, resolution, or other local rules
11 regulating use of and discharge into the POTW.

12 Pass through means, as defined in 40 CFR 403.3(n), a Discharge
13 which exits the POTW into waters of the United States in quantities or
14 concentrations which, alone or in conjunction with a discharge from
15 other sources, is a cause of a violation of any requirement of the
16 POTW's NPDES permit (including an increase in the magnitude or
17 duration of a violation).

18 Permit means, unless otherwise defined in this document, the
19 discharge control mechanism issued by the Control Authority to a
20 discharger to the POTW.

21 Permittee means any person who has an industrial discharge
22 permit.

23 Person means any individual, corporation, company, partnership,
24 firm, association, owner or operator of a treatment works, political
25 subdivision of this State and any state or interstate agency, or any
26 federal entity. "Person" shall also mean any responsible corporate

1 official for the purpose of enforcement action under this program.

2 pH means the logarithm (base 10) of the reciprocal of the
3 concentration of hydrogen ions in moles per liter of solution.

4 Solutions with a pH greater than 7 are said to be basic; solutions
5 with a pH less than 7 are said to be acidic; pH equal to 7 is
6 considered neutral. Analysis shall be performed in accordance with an
7 approved test procedure.

8 Pollutant means any dredged spoil, solid waste, holding tank
9 waste, incinerator residue, sewerage, garbage, refuse, oil, grease,
10 sewerage sludge, septage, munitions, chemical wastes, biological
11 materials, radioactive substance, thermal waste, wrecked or discarded
12 equipment, rock, sand, cellar dirt, and industrial, municipal or
13 agricultural waste or other residue directly or indirectly discharged
14 into the waters of the State, the introduction of which renders these
15 waters detrimental or immediately or potentially dangerous to the
16 public health or unfit for public or commercial use. "Pollutant"
17 includes both hazardous and nonhazardous pollutants.

18 Pretreatment means, as defined in 40 CFR 403.3(q), *the reduction*
19 *of the amount of pollutants, the elimination of pollutants, or the*
20 *alteration of the nature of pollutant properties in wastewater prior*
21 *to or in lieu of discharging or otherwise introducing such pollutants*
22 *into a POTW. The reduction or alteration may be obtained by physical,*
23 *chemical or biological processes, process changes or by other means,*
24 *except as prohibited by Part 403.6(d) (dilution).*

25 Pretreatment requirement means, as defined in 40 CFR 403.3(r),
26 any substantive or procedural pretreatment requirement, other than a

1 *National pretreatment standard, applicable to industrial users.*

2 Program means the industrial pretreatment program for the Control
3 Authority.

4 Publicly Owned Treatment Works (POTW) means, as defined in 40 CFR
5 403.3(o), a treatment works as defined by section 212 of the Act,
6 which is owned by a State or municipality (as defined by section
7 502(4) of the Act). This definition includes any devices and systems
8 used in the storage, treatment, recycling and reclamation of municipal
9 sewage or industrial wastes of a liquid nature. It also includes
10 sewers, pipes and other conveyances only if they convey wastewater to
11 a POTW Treatment Plant. The term also means the municipality as
12 defined in section 502(4) of the Act, which has jurisdiction over the
13 Indirect Discharges to and the discharges from such a treatment works.

14 Significant industrial user (SIU) means, as defined in
15 40 CFR 403.3(t)(1):

16 (i) All industrial users subject to Categorical Pretreatment
17 Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N;
18 and (ii) Any other industrial user that:

19 discharges an average of 25,000 gallons per day or more of
20 process wastewater to the POTW (excluding sanitary, non-
21 contact cooling and boiler blowdown wastewater);

22 contributes a process wastestream which makes up 5 percent
23 or more of the average dry weather hydraulic or organic
24 capacity of the POTW treatment plant;

25 or is designated by the Control Authority as defined in 40 CFR
26 403.12(a) on the basis that the industrial user has a

1 reasonable potential for adversely affecting the POTW's
2 operation or for violating any pretreatment standard or
3 requirement (in accordance with 40 CFR 403.8(f)(6)).

4 Significant noncompliance means, for the purposes of meeting the
5 requirements of annual public notification of violators, and as
6 defined in 40 CFR 403.8(f)(2)(vii), an industrial user is in
7 significant noncompliance if its violation meets one or more of the
8 following criteria:

9 (A) Chronic violations of wastewater discharge limits, defined
10 here as those in which sixty-six percent or more of all of the
11 measurements taken during a six-month period exceed (by any magnitude)
12 the daily maximum limit or the average limit for the same pollutant
13 parameter;

14 (B) Technical Review Criteria (TRC) violations, defined here as
15 those in which thirty-three percent or more of all of the measurements
16 for each pollutant parameter taken during a six-month period equal or
17 exceed the product of the daily maximum limit or the average limit
18 multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil,
19 and grease, and 1.2 for all other pollutants except pH);

20 (C) Any other violation of a pretreatment effluent limit (daily
21 maximum or longer-term average) that the Control Authority determines
22 has caused, alone or in combination with other discharges,
23 interference or pass through (including endangering the health of POTW
24 personnel or the general public);

25 (D) Any discharge of a pollutant that has caused imminent
26 endangerment to human health, welfare or to the environment or has

1 resulted in the POTW's exercise of its emergency authority under
2 paragraph (f)(1)(vi)(B) of this section to halt or prevent such a
3 discharge;

4 (E) Failure to meet, within 90 days after the schedule date, a
5 compliance schedule milestone contained in a local control mechanism
6 or enforcement order for starting construction, completing
7 construction, or attaining final compliance;

8 (F) Failure to provide, within 30 days after the due date,
9 required reports such as baseline monitoring reports, 90-day
10 compliance reports, periodic self-monitoring reports, and reports on
11 compliance with compliance schedules;

12 (G) Failure to accurately report noncompliance;

13 (H) Any other violation or group of violations which the Control
14 Authority determines will adversely affect the operation or
15 implementation of the local pretreatment program.

16 State means the State of Oregon.

17 Slug means, as defined by 40 CFR 403.5(b)(4), any pollutant,
18 including oxygen demanding pollutants (BOD, etc.) released in a
19 discharge at a flow rate and/or concentration which will cause
20 interference with the POTW.

21 Storm water means any flow occurring during or immediately
22 following any form of natural precipitation and resulting therefrom.

23 Suspended solids means the total nonfilterable residue as defined
24 in Manual of Methods for Chemical Analysis of Water and Wastes and
25 analyzed in accordance with an approved test procedure.

26 Upset means an exceptional incident in which there is

1 unintentional and temporary noncompliance with an effluent limitation
2 because of an event beyond the reasonable control of the permittee,
3 including fire, riot, sabotage, or a flood, storm event, natural
4 cause, or other act of God, or other similar circumstance, which is
5 the cause of the violation.

6 Violation means noncompliance with federal, State, or local
7 pretreatment standards or requirements, any provisions pursuant to
8 this Ordinance, or any requirements or conditions of an industrial
9 discharge permit.

10 Wastewater means the liquid and water-carried wastes from
11 dwellings, commercial buildings, industrial facilities, and
12 institutions.

13 Terms not otherwise defined herein shall be as adopted in the
14 latest edition of Standard Methods for the Examination of Water and
15 Wastewater, published by the American Public Health Association, the
16 American Water Works Association and the Water Pollution Control
17 Federations; the Clean Water Act, 33 U.S.C. Part 1251 et seq., and the
18 Code of Federal Regulations Title 40 Part 403.

19

20 1.5 ABBREVIATIONS

21 The following abbreviations shall have the designated meanings:

22 ASPP - Accidental Spill Prevention Plan or Accidental Spill
23 Prevention Program as defined by the text it is located
24 in.

25 BMR - Baseline monitoring report.

26 BOD - Biochemical oxygen demand.

- 1 CFR - Code of Federal Regulations.
2 COD - Chemical oxygen demand.
3 EPA - Environmental Protection Agency.
4 IWSQ - Industrial waste survey questionnaire.
5 mg/L - Milligrams per liter (i.e., parts per million).
6 NPDES - National Pollutant Discharge Elimination System.
7 POTW - Publicly Owned Treatment Works.
8 SIU - Significant industrial user.
9 TSS - Total suspended solids.
10 USC - United States Code.

11

12 SECTION 2 -- PROHIBITIONS AND LIMITATIONS ON WASTEWATER DISCHARGES

13 2.1 PROHIBITIONS ON WASTEWATER DISCHARGES

14 (A)(1) General Prohibitions. A User may not introduce into the
15 POTW any pollutant(s) which cause Pass Through or Interference. These
16 general prohibitions and the specific prohibitions in paragraph (b) of
17 this section apply to each User introducing pollutants into the POTW
18 whether or not the User is subject to other National Pretreatment
19 Standards or any national, State, or local Pretreatment Requirements.

20 (2) Affirmative Defenses. A User shall have an affirmative
21 defense in any action brought against it alleging a violation of the
22 general prohibitions established in paragraph (a)(1) of this section
23 and the specific prohibitions in paragraphs (B)(3), (B)(4), (B)(5),
24 (B)(6), and (B)(7) of this section where the User can demonstrate
25 that:

26 (1) It did not know or have reason to know that its

1 Discharge, alone or in conjunction with a discharge or discharges from
2 other sources, would cause Pass Through or Interference; and

3 (ii)(a) A local limit designed to prevent Pass
4 Through and/or Interference, as the case may be, was developed for
5 each pollutant in the User's Discharge that caused Pass Through or
6 Interference; and the User was in compliance with each such local
7 limit directly prior to and during the Pass Through or Interference;
8 or

9 (b) If a local limit designed to prevent Pass Through
10 and/or Interference, as the case may be, has not been developed in
11 accordance with paragraph (c) of this section for the pollutant(s)
12 that caused the Pass Through or Interference, the User's Discharge
13 directly prior to and during the Pass Through or Interference did not
14 change substantially in nature or constituents from the User's prior
15 discharge activity when the POTW was regularly in compliance with the
16 POTW's NPDES permit requirements and, in the case of Interference,
17 applicable requirements for sewage sludge use or disposal.

18

19 (B) Specific Prohibitions. In addition, the following pollutants
20 shall not be introduced into the POTW:

21 (1) Pollutants which create a fire or explosion hazard in the
22 POTW, including, but not limited to: wastestreams with a closed cup
23 flashpoint of less than 140 degrees Fahrenheit or 60 degrees
24 Centigrade using the test methods specified in 40 CFR 261.21; at no
25 time shall two successive readings on an explosion hazard meter, at
26 the point of discharge into the POTW or at any point in the POTW, be

1 more than five percent (5%) nor any single reading over ten percent
2 (10%) of the Lower Explosive Limit (LEL) of the meter; liquids,
3 solids or gases which by reason of their nature or quantity are, or
4 may be, sufficient either alone or by interaction with other
5 substances to cause fire or explosion or be injurious in any other way
6 to the POTW." Prohibited materials include, but are not limited to,
7 gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers,
8 alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates,
9 bromates, carbides, hydrides and sulfides;

10 (2) Any water or wastes having a pH lower than 5.5 or higher
11 than 10.0 or discharges which will react with water to form products
12 which have a pH value lower than 5.5 or greater than 10.0 or having any
13 other corrosive property capable of causing damage or hazard to
14 structure, equipment and personnel of the POTW. Prohibited wastes
15 include, but are not limited to, concentrated acids, alkalies,
16 chlorides, sulfides, and fluoride compounds or any iron pickling
17 wastes or concentrated plating solutions whether neutralized or not;

18 (3) *Solid or viscous pollutants in amounts which will cause*
19 *obstruction to the flow in the POTW* or other interference with the
20 proper operation of the POTW, and at no time, any water or waste
21 containing floatable grease, oil, fat, or wax; dispersed nonfloatable
22 grease, oil, fat or wax in excess of 100 mg/L; any garbage, except
23 domestic wastewater discharged from garbage disposal units in private
24 dwellings, that has not been ground or comminuted to such a degree
25 that all particles float or carry freely in suspension under flow
26 conditions normally prevalent in the POTW, and which contains

1 particles of a size not greater than one-half (1/2) inch in any
2 dimension; or other wastes including, but not limited to, bones, hair,
3 hides or fleshings, whole blood, paunch manure, recognizable portions
4 of the human anatomy, tissue fluids, entrails, ashes, cinders, mud,
5 straw, sand, wood, grass clippings, spent lime, stone or marble dust,
6 shavings, metal, glass, rags, feathers, tar, asphalt residues, glass
7 grinding or polishing wastes, plastics, spent grains, spent hops,
8 waste paper, styrofoam and residues from refining or processing of
9 fuel or lubricating oil;

10 (4) *Any pollutant, including oxygen demanding pollutants*
11 *(BOD, etc.) released in a Discharge at a flow rate and/or pollutant*
12 *concentration which will cause interference with the POTW;*

13 (5) *Heat in amounts which will inhibit biological activity in*
14 *the POTW resulting in Interference, but in no case heat of a*
15 *temperature in excess of 65°C (150°F) at the sewer connection or of a*
16 *quantity that causes the temperature at the POTW Treatment Plant to*
17 *exceed 40°C (104°F);*

18 (6) *Petroleum oil, nonbiodegradable cutting oil, or products*
19 *of mineral oil origin in amounts that will cause interference or pass*
20 *through and at no time in excess of 25 mg/L;*

21 (7) *Pollutants which result in the presence of toxic gases,*
22 *vapors, or fumes within the POTW in a quantity, either singly or by*
23 *interaction with other pollutants, that may cause acute worker health*
24 *and safety problems, pass through or interfere with the POTW, or that*
25 *exceed standards promulgated by either the EPA pursuant to Section*
26 *307(a) of the Act, or the State pursuant to any applicable statutory*

1 provisions;

2 (8) *Any trucked or hauled pollutants* or sludge from septic
3 tanks, cesspools, chemical toilets, privies, grease traps or grit
4 traps, unless authorized by a valid disposal permit issued by the
5 Control Authority and disposed of *at discharge points designated by*
6 *the POTW;*

7 (9) Any substance which, either singly or by interaction with
8 other substances, is noxious or malodorous, or is capable of creating
9 a public nuisance or hazard to life or health, or whose concentrations
10 prevent entry into the POTW for maintenance, repair or other reasons;

11 (10) Any radioactive wastes or isotopes of such half-life or
12 concentration as may exceed limits established by federal or State
13 regulations;

14 (11) Stormwater, surfacewater, groundwater, roof runoff,
15 subsurface drainage, uncontaminated cooling water, or unpolluted
16 industrial process waters, either discharged by gravity or from sump
17 pumps, except where the User is served by combined sewers and cannot
18 discharge such water directly to a surface water course;

19 (12) Any waste producing excessive discoloration that may
20 cause the water of the POTW to exceed appropriate color criteria;

21 (13) Any waters or wastes containing suspended solids or
22 dissolved matter of such character and quantity that unusual attention
23 or expense is required to handle such materials in the POTW;

24 (14) Any water or wastes containing algicides, fungicides,
25 antibiotics, insecticides, strong oxidizing agents or strong reducing
26 agents;

1 (15) Any wastes requiring an excessive quantity of chlorine or
2 other chemical compound used for disinfection purposes or excessive
3 treatment in order to meet the discharge requirements of the POTW;

4 (16) Any garbage or other solid material from any food
5 processing plant, industrial plant, or retail grocery store;

6 (17) Any discharge of water or waste which in concentration of
7 any given constituent or in quantity of flow exceeds, for any period
8 of duration longer than 15 minutes, five times the average 24-hour
9 concentration or flow during normal operation;

10 (18) Any water or waste containing substances which are not
11 amenable to treatment or which cause the POTW effluent to fail to meet
12 the discharge requirements established by the NPDES permit or any
13 other permit;

14 (19) Any substance which may cause sludge to be unsuitable for
15 reclamation and reuse, or which may interfere with the reclamation
16 process of the POTW, or which may preclude the POTW from selecting the
17 most cost-effective alternative for sludge disposal or which may cause
18 the POTW to be in noncompliance with sludge use or disposal criteria,
19 guidelines or regulations developed under Section 405 of the Act, or
20 any criteria, guidelines, or regulations affecting sludge use or
21 disposal developed pursuant to the Solid Waste Disposal Act, the Clean
22 Air Act, the Toxic Substances Control Act, or statutory provisions;

23 (20) Any water added for the purpose of diluting a discharge
24 as a partial or complete substitute for adequate treatment to achieve
25 compliance with effluent criteria;

26 (21) Any material into a manhole through its top;

1 (22) Any other solid or liquid which is determined by the
2 Control Authority to be or have the potential to be detrimental to the
3 POTW.

4

5 2.2 LIMITATIONS ON WASTEWATER DISCHARGES

6 No nonresidential user shall discharge wastewater containing
7 restricted substances into the POTW in excess of limitations specified
8 in a valid disposal permit, an industrial discharge permit or
9 published by the Control Authority. The Control Authority shall
10 publish and revise from time to time standards for specific restricted
11 substances. These standards shall be developed in accordance with 40
12 CFR Section 403.5 and shall implement the objectives of this
13 Ordinance. Standards published in accordance with this section will
14 be deemed Pretreatment Standards for the purposes of Section 307(d) of
15 the Act.

16 At it's discretion, the Control Authority may impose mass
17 limitations in addition to or in place of the concentration based
18 limitations referenced above.

19

20 2.3 FEDERAL CATEGORICAL PRETREATMENT STANDARDS

21 The Control Authority adopts by reference, and incorporates into
22 this Ordinance, the National categorical pretreatment standards
23 located in 40 CFR Chapter I, Subchapter N, Parts 405-471.

24 If a pretreatment requirement imposed by this Ordinance or a
25 discharge permit is more stringent than such standard imposed under
26 National categorical pretreatment standards or State standards, then

1 the most stringent shall apply. Affected industrial users shall
2 comply with the appropriate standard within the stated compliance
3 deadline. The Control Authority shall notify affected industrial
4 users of the applicable reporting requirements under 40 CFR 403.12,
5 but failure of the Control Authority to notify does not relieve such
6 persons of the obligation to comply with such reporting requirements.

7

8 2.4 FEDERAL AND STATE REQUIREMENTS

9 Federal or State requirements and limitations on discharges shall
10 apply in any case where they are more stringent than limitations
11 contained in this Ordinance.

12

13 2.5 INDUSTRIAL DISCHARGE PERMIT REQUIREMENTS

14 Industrial discharge permit requirements shall apply in any case
15 where they are more stringent than limitations contained in this
16 Ordinance.

17

18 2.6 DILUTION

19 No Industrial user shall in any way dilute a discharge to achieve
20 compliance with Federal Categorical Pretreatment Standards, State
21 limitations or any other pollutant-specific limitation contained in
22 this Ordinance or a Permit.

23

24 2.7 PREMISES

25 No person shall suffer or permit any premises belonging to or
26 occupied by him or under his control, located in the jurisdiction

1 covered by this Ordinance, or any cellar, vault, privy, cesspool,
2 sewer or private drain thereon or therein, to become nauseous, foul or
3 offensive or prejudicial to the public health or public comfort.

4

5 2.8 SEPARATION OF STORM DRAINAGE AND WASTEWATER

6 No person, firm, or corporation shall allow or permit any
7 wastewater of any kind from his premises to enter any of the storm
8 drains of the jurisdiction covered by this Ordinance, whether by
9 surface drainage, pipes, or other means, nor shall storm drainage,
10 that is, runoff from precipitation be permitted to enter into the
11 POTW.

12

13 2.9 INTERFERENCE WITH FACILITIES

14 No unauthorized person shall enter any Sanitary Authority sewer,
15 manhole, pumping station, treatment plant, or appurtenant facility.
16 No person shall maliciously, willfully, or negligently break, damage,
17 destroy, deface, or tamper with any structure, appurtenance, or
18 equipment which is part of the Sanitary Authority Sewerage System.

19 No person other than an authorized employee or the agent of the
20 Sanitary Authority shall operate or change the operation of any
21 Sanitary Authority sewer, pumping station, treatment plant, outfall
22 structure, or appurtenant facility.

23

24 SECTION 3 -- CONTROL OF PROHIBITIVE WASTES

25 3.1 REGULATORY ACTIONS

26 If wastewaters containing any prohibited substance exceeding

1 prescribed limits or violating restrictions imposed by Section 2 of
2 this Ordinance are discharged or proposed to be discharged into the
3 POTW, the Control Authority may take any of the following actions
4 necessary to protect the POTW:

5 (A) Prohibit the discharge of such wastewater;

6 (B) Require the discharger to demonstrate that in-plant
7 modifications will bring such discharge into conformance with this
8 Ordinance;

9 (C) Require pretreatment including, but not limited to, storage
10 facilities or flow equalization necessary to ensure compliance with
11 this Ordinance;

12 (D) Require the discharger to within 24 hours of the exceedance
13 and/or violation, provide the Control Authority with additional
14 information regarding the discharge as may be required by the Control
15 Authority; including but not limited to requested laboratory analysis
16 results;

17 (E) Require the discharger to pay all additional costs of damage
18 incurred by the Control Authority as a result of such excess loads,
19 including but not limited to all incidental and consequential damages
20 and reasonable attorneys' fees proximately caused by such excess load
21 and any fines or penalties assessed against the POTW for violation of
22 NPDES or other permits;

23 (F) Assess civil penalties, seek injunctive relief and petition
24 for criminal prosecution pursuant to applicable statutory provisions;
25 and

26 (G) Take such other remedial action including, but not limited

1 to, suspension or discontinuation of service as may be deemed to be
2 necessary to achieve the purpose of this Ordinance.

3

4 3.2 ACCIDENTAL DISCHARGES

5 (A) Each User shall provide protection against accidental
6 discharge of prohibited materials or other wastes regulated by this
7 Ordinance. Users shall provide and maintain at their expense
8 protective facilities such as, but not limited to, retention basins,
9 dikes, storage tanks or other devices designated to eliminate,
10 neutralize, offset or otherwise negate the effects of prohibited
11 materials or waste discharges in violation of this Ordinance. Prior
12 to construction, or otherwise as required by the Control Authority,
13 the User shall submit to the Control Authority for approval detailed
14 plans of the protective facilities or equipment and operating
15 procedures.

16 All significant industrial users and other Users as required
17 by the Control Authority, shall submit an Accidental Spill Prevention
18 Plan. At a minimum, this plan shall include the following elements:

19 (1) *Description of discharge practices, including*
20 *nonroutine batch discharges;*

21 (2) *Description of stored chemicals;*

22 (3) *Procedures for immediately notifying the POTW of slug*
23 *discharges, including any discharge that would violate a prohibition*
24 *under Section 2 of this Ordinance, with procedures for follow-up*
25 *written notification within 5 days;*

26 (4) *If necessary, procedures to prevent adverse impact from*

1 *accidental spills, including inspection and maintenance of storage*
2 *areas, handling and transfer of materials, loading and unloading*
3 *operations, control of plant site runoff, worker training, building of*
4 *containment structures or equipment, measures for containing toxic*
5 *organic pollutants (including solvents), and/or measures and equipment*
6 *for emergency responses;*

7 (5) Other information as required by the Control Authority.

8 Review and approval of such plans and operating procedures
9 by the Control Authority shall not relieve the User from the
10 responsibility to modify the facility as necessary to meet the
11 requirements of the Ordinance or a Permit.

12 (B) The User shall cause to be furnished and permanently posted
13 on the User's bulletin board(s) or other prominent places notices
14 advising employees whom to call in case of an accidental discharge.

15 The User shall immediately notify the Control Authority upon
16 the accidental discharge of wastes to the POTW so that countermeasures
17 may be taken to minimize damage to the environment, the POTW, the POTW
18 treatment processes and the receiving waters. The notification shall
19 include the location of the discharge, date and time thereof, type or
20 waste, concentration and volume, and corrective actions. This
21 notification shall be followed, within 5 days of the date of
22 occurrence, by a detailed written statement describing the causes of
23 the accidental discharge and the measures being taken to prevent
24 future occurrence.

25 Such notification will not relieve the User of liability for
26 any fines provided for in this or any Ordinance, or for any expense,

1 loss, or damage to the environment, the POTW, or the POTW treatment
2 processes, or for any fines imposed on the Control Authority on
3 account thereof.

4

5 3.3 UPSET

6 An industrial user experiencing an upset shall submit the
7 following information to the POTW and the Control Authority as soon as
8 possible and no later than 24 hours of becoming aware of the upset;

9 (A) *A description of the Indirect Discharge and cause of*
10 *noncompliance;*

11 (B) *The period of noncompliance, including exact dates and times*
12 *or, of not corrected, the anticipated time the noncompliance is*
13 *expected to continue;*

14 (C) *Steps being taken and/or planned to reduce, eliminate and*
15 *prevent recurrence of the noncompliance;*

16 (D) Other information as required by the Control Authority.

17 In any enforcement proceeding the industrial user seeking to
18 establish the occurrence of an upset shall have the burden of proof.

19

20 3.4 BYPASS

21 (A) *An Industrial User may allow any bypass to occur which does*
22 *not cause Pretreatment Standards or Requirements to be violated, but*
23 *only if it also is for essential maintenance to assure efficient*
24 *operation, if the industrial user submits prior notice to the Control*
25 *Authority at least 10 days before the date of the bypass, if the*
26 *Control Authority considers its adverse effects and determines that it*

1 *will meet the three conditions listed in paragraph (B)(1-3), and if*
2 *the Control Authority approves the anticipated bypass.*

3 *(B) Bypass is prohibited, and the Control Authority may take*
4 *enforcement action against an Industrial User for a bypass, unless:*

5 *(1) bypass was unavoidable to prevent loss of life,*
6 *personal injury, or severe property damage;*

7 *(2) There was no feasible alternative to the bypass, such*
8 *as the use of auxiliary treatment facilities, retention of untreated*
9 *wastes, or maintenance during normal periods of equipment downtime.*
10 *This condition is not satisfied if adequate back-up equipment should*
11 *have been installed in the exercise of reasonable engineering*
12 *judgement to prevent a bypass which occurred during normal periods of*
13 *equipment downtime or preventative maintenance;*

14 *(3) The Industrial User submitted notices as required under*
15 *paragraph (A) of this section.*

16 *(C) An Industrial User shall submit oral notice of an*
17 *unanticipated bypass that exceeds applicable Pretreatment Standards to*
18 *the Control Authority within 24 hours from the time the Industrial*
19 *User becomes aware of the bypass. A written submission shall also be*
20 *provided within 5 days of the time the Industrial User becomes aware*
21 *of the bypass. The written submission shall contain, at a minimum:*

22 *(1) a description of the bypass and its cause;*

23 *(2) the duration of the bypass, including exact dates and*
24 *times, and if the bypass has not been corrected, the anticipated time*
25 *it is expected to continue;*

26 *(3) steps taken or planned to reduce, eliminate, and*

1 *prevent recurrence of the bypass;*

2 (4) Other information as required by the Control Authority.

3

4 3.5 HAZARDOUS WASTE DISCHARGES

5 A User shall notify the POTW and the Control Authority, the
6 U.S. EPA Regional Waste Management Division Director, and State
7 hazardous waste authorities in writing of any discharge into the POTW
8 of a substance, which, if otherwise disposed of, would be a hazardous
9 waste under 40 CFR Part 261 or regulations under Section 3001 of the
10 Resource Conservation and Recovery Act. Such notification must in-
11 clude, at a minimum:

12 (A) the name of the hazardous waste as set forth in 40 CFR Part
13 261;

14 (B) the U.S. EPA hazardous waste number;

15 (C) the type of discharge (continuous, batch, or other)

16 (D) the following information to the extent such information is
17 known and readily available to the Industrial User:

18 (1) identification of the hazardous constituents contained
19 in the wastes; and

20 (2) an estimation of the mass and concentration of such
21 constituents in the wastestream discharged.

22 For the purposes of notification under this section, the User
23 must contact, at a minimum, the following:

24 Industrial Pretreatment Coordinator
25 Roseburg Urban Sanitary Authority
26 Wastewater Treatment Facility

1 3485 West Goedeck Road
2 Roseburg, Oregon 97470

3

4 and Director, Hazardous Waste Division
5 Environmental Protection Agency,
6 1200 6th Avenue
7 Seattle, WA 98101

8

9 and Director, Hazardous and Solid Waste Division,
10 Department of Environmental Quality
11 811 Southwest 6th Avenue
12 Portland, OR 97204

13 This Ordinance in no way provides for or allows the discharge of
14 hazardous wastes as identified in 40 CFR Part 261 or regulations under
15 Section 3001 of the Resource Conservations and Recovery Act.

16

17 3.6 OTHER UNANTICIPATED DISCHARGES

18 All Users *shall notify the POTW* and the Control Authority
19 *immediately of any discharge that could cause problems to the POTW,*
20 *including any slug loading.*

21

22 3.7 INDUSTRIAL USER CONTROL OF DISCHARGES

23 Each industrial user shall take all reasonable steps to minimize
24 or prevent any discharge in violation of a Permit which has a
25 reasonable likelihood of adversely affecting human health, the
26 environment, the POTW, or the receiving waters of the POTW.

1 Reasonable steps include but are not limited to accelerated or
2 additional monitoring necessary to determine the nature and impact of
3 the noncomplying discharge.

4 The industrial user shall control production or all discharges to
5 the extent necessary to maintain compliance with pretreatment
6 standards and requirements upon reduction, loss, or failure of its
7 treatment facility until the facility is restored or an alternative
8 method of treatment is provided. This requirement applies in the
9 situation where, among other things, the primary source of power of
10 the treatment facility is reduced, lost or fails.

11

12 SECTION 4 -- ADMINISTRATION

13 4.1 DISCHARGE TO THE POTW

14 It shall be unlawful for any person to discharge directly or
15 indirectly into the POTW without having satisfied all applicable terms
16 and conditions of this Ordinance and that person will be subject to
17 enforcement action(s) including monetary penalties.

18

19 4.2 INDUSTRIAL WASTE SURVEY QUESTIONNAIRE

20 All industrial users proposing to connect to or discharge
21 wastewater into the POTW shall complete and file with the Control
22 Authority, at least (180) days prior to connecting to the POTW, an
23 industrial waste survey questionnaire (IWSQ). Each existing
24 industrial user shall file an IWSQ within ninety (90) days after the
25 effective date of this Ordinance and periodically as required by the
26 Control Authority. All IWSQs shall be signed by an authorized

1 signatory of the User.

2

3 4.3 INDUSTRIAL DISCHARGE PERMITS

4 (A) If a determination is made, following review of the IWSQ for
5 a User, that the User is a significant industrial user, or if there is
6 other cause, the User shall provide any further information, including
7 a baseline monitoring report, and payment of any applicable fees that
8 may be required by the Control Authority and shall obtain an
9 industrial discharge permit (Permit). This permit shall be in
10 addition to all others permits required by the Sanitary Authority or
11 other local agencies. The application form and required information
12 for such Permit shall be at the discretion of the Control Authority.

13 (B) The Control Authority shall evaluate such application and
14 either approve and issue the Permit, deny the Permit, or require the
15 submission of additional information. Notice of denial of completed
16 applications shall be made expeditiously. Approvals may be subject to
17 certain requirements, the failure of which may result in revocation of
18 the Permit.

19 (C) A Permit shall be expressly subject to all provisions and
20 conditions of this Ordinance and all other rules, regulations, user
21 charges and fees which are in effect or which may be established by
22 the Control Authority. A Permit issued by the Control Authority under
23 this Ordinance shall require the permittee, at a minimum:

24 (1) To achieve effluent limitations based upon standards
25 and requirements established pursuant to any and all applicable
26 federal, State, or local regulations including this Ordinance,

1 together with such further discharge restrictions and safeguards
2 against unauthorized discharge as may be necessary to meet water
3 quality standards, area wide plans adopted pursuant to law, or other
4 legally applicable requirements;

5 (2) Where appropriate, to meet schedules for compliance
6 with the terms of the Permit and interim deadlines for progress or
7 reports of progress towards compliance;

8 (3) To insure that all discharges are consistent at all
9 times with the terms and conditions of the Permit and that no
10 pollutant will be discharged more frequently than authorized or at a
11 level in excess of that which is authorized by the Permit;

12 (4) To submit a written request for revision of the Permit
13 prior to any contemplated facility expansion, process modification, or
14 changes in production that would result in new or increased discharges
15 or, if these would not violate effluent limitations or other
16 restrictions specified in the Permit, to notify the Control Authority
17 of such new or increased discharges;

18 (5) To install, use and maintain such monitoring equipment,
19 to sample in accordance with such methods, to maintain and retain such
20 records of information from monitoring activities for a minimum of (3)
21 years, and to submit to the Control Authority reports of monitoring
22 results, as may be stipulated in the Permit, or required by the
23 Control Authority. Users shall report their monitoring results to the
24 Control Authority as required by the Permit unless otherwise required
25 by the Control Authority. Users shall identify the authorized
26 signatory, as defined in this Ordinance, and discharge monitoring

1 reports shall be signed by the authorized signatory of the industrial
2 user.

3 (6) At all times, to maintain in good working order and
4 operate as effectively as possible, all facilities or systems of
5 control installed to achieve compliance with the terms and conditions
6 of the Permit.

7 (D) Permits shall be issued for a specified time period, but *in*
8 *no case more than five (5) years*. The permittee shall submit such
9 information, forms and fees as are required by the Control Authority
10 for renewal no later than 180 days prior to the date of expiration.
11 If the permittee is not notified of reissuance or denial of the Permit
12 by the Control Authority thirty (30) days prior to the expiration of
13 the Permit, the Permit shall be extended until such time as the
14 Control Authority reissues or denies a new Permit.

15 (E) A Permit shall not be reassigned or transferred or sold to a
16 new owner, new user, different premises or a new or changed operation.

17 (F) Any permittee who violates any conditions of the Permit,
18 this Ordinance, or any applicable federal, State or local regulation
19 is subject to revocation of the Permit and other legal action
20 including civil and criminal penalties as provided for in Section 5.4
21 of this Ordinance.

22 (G) No Permit may be issued, modified or renewed by the Control
23 Authority until the applicant, or permittee, as the case may be, has
24 paid all fees, penalties or fines due and owing, or has entered into
25 an agreement with the Control Authority establishing a payment
26 schedule therefor; except that if a penalty or fine is contested, the

1 applicant or permittee shall satisfy the provisions of this section by
2 posting financial security as required pursuant to applicable
3 statutory provisions.

4 (H) The Control Authority may revise a Permit or conditions of a
5 Permit in order to meet the changing needs of the POTW or the User or
6 to meet the requirements of new or revised regulations. If additional
7 pretreatment and/or operations and maintenance will be required to
8 meet the requirements of the revised Permit, the User shall develop
9 and submit a compliance schedule. *The schedule shall contain*
10 *increments of progress in the form of dates for the commencement and*
11 *completion of major events leading to the construction and operation*
12 *of additional pretreatment required for the Industrial User to meet*
13 *the applicable categorical and noncategorical Pretreatment Standards*
14 *(e.g., hiring an engineer, completing preliminary plans, completing*
15 *final plans, executing contract for major components, commencing*
16 *construction, completing construction, etc.). No increment shall*
17 *exceed 9 months and the total length of the compliance schedule shall*
18 *not exceed 18 months. Not later than 14 days following each date in*
19 *the schedule and the final date for compliance, the Industrial User*
20 *shall submit a progress report to the Control Authority including, at*
21 *a minimum, whether or not it complied with the increment of progress*
22 *to be met on such date and, if not, the date on which it expects to*
23 *comply with this increment of progress, the reason for delay, and the*
24 *steps being taken by the Industrial User to return the construction to*
25 *the schedule established. In no event shall more than 9 months elapse*
26 *between such progress reports to the Control Authority.*

1 4.4 LIQUID WASTE HAULERS

2 It shall be unlawful for any person to discharge holding tank
3 waste without first obtaining the written approval of the Control
4 Authority. Each liquid waste hauler shall obtain an industrial
5 discharge permit, discharge only at the point designated by the
6 Control Authority and comply with all the provisions of this
7 Ordinance, the Permit and all applicable federal, State, or local
8 regulations.

9

10 4.5 MONITORING AND REPORTING

11 (A) *Within 180 days after the effective date of a categorical*
12 *Pretreatment Standard, or 180 days after the final administrative*
13 *decision made upon a category determination submission under §*
14 *403.6(a)(4), whichever is later, existing Industrial Users subject to*
15 *such categorical Pretreatment Standards and currently discharging to*
16 *or scheduled to discharge to a POTW shall be required to submit to the*
17 *Control Authority a report which contains the following information,*
18 *at a minimum:*

19 (1) *the name and address of the facility including the name*
20 *of the operator and owners;*

21 (2) *a list of any environmental control permits held by or*
22 *for the facility;*

23 (3) *a brief description of the nature, average rate of*
24 *production, and Standard Industrial Classification of the operation(s)*
25 *carried out by such Industrial User. This description should include*
26 *a schematic process diagram which indicates points of Discharge to the*

1 POTW from the regulated processes;

2 (4) information showing the measured average daily and
3 maximum daily flow, in gallons per day, to the POTW from each of the
4 following:

5 (i) regulated process streams; and

6 (ii) other streams as necessary to allow use of the
7 combined wastestream formula of § 403.6(e)

8 (5) the Pretreatment Standards applicable to each regulated
9 process;

10 (6) the results of sampling and analysis identifying the
11 nature and concentration (or mass, where required by the Standard or
12 Control Authority) of regulated pollutants in the Discharge from each
13 regulated process. The sample shall be representative of daily
14 operations;

15 (7) a statement, reviewed by an authorized representative
16 of the Industrial User and certified to be a qualified professional,
17 indicating whether Pretreatment Standards are being met on a
18 consistent basis, and, if not, whether additional operation and
19 maintenance and/or additional pretreatment is required for the
20 Industrial User to meet the Pretreatment Standards and Requirements;

21 (8) signature by the authorized signatory and the following
22 certification statement required by 40 CFR 403.12(1):

23 I certify under penalty of law that this document and all
24 attachments were prepared under my direction or supervision
25 in accordance with a system designed to assure that
26 qualified personnel properly gather and evaluate the

1 *information submitted. Based on my inquiry of the person or*
2 *persons who manage the system, or those persons directly*
3 *responsible for gathering the information, the information*
4 *submitted is, to the best of my knowledge and belief, true,*
5 *accurate, and complete. I am aware that there are*
6 *significant penalties for submitting false information,*
7 *including the possibility of fine and imprisonment for*
8 *knowing violations.*

9 (9) other information as required by the Control Authority.

10 All existing categorical industrial users, new sources and
11 any other Users required by the Control Authority, shall submit a
12 baseline monitoring report containing the above information as a
13 requirement of application for a permit to discharge to the POTW.

14 (B) *Within 90 days following the date for final compliance with*
15 *applicable Pretreatment Standards or in the case of a New Source*
16 *following commencement of the introduction of wastewater into the*
17 *POTW, any Industrial User subject to Pretreatment Standards and*
18 *Requirements shall submit to the Control Authority a compliance status*
19 *report, as required by 40 CFR 403.12(d), which contains flow and*
20 *pollutant measurements; a certification of whether pretreatment*
21 *standards are being met consistently and, if not, a description of*
22 *needed additional Operation and Maintenance, or pretreatment;*
23 *signature by the authorized signatory and the certification statement*
24 *provided in Section 4.5 (A)(8) as required by 40 CFR 403.12(1).*

25 (C) Each industrial user shall complete monitoring and submit
26 monitoring reports to the Control Authority as required by the

1 Ordinance, the Program and the Permit. As required by 40 CFR
2 403.12(e) and (h), all Significant Industrial Users shall report a
3 minimum of two times per year unless required more frequently by the
4 Control Authority. All periodic monitoring reports must contain be
5 signed by the authorized signatory and must contain the certification
6 statement provided in Section 4.5 (A)(8) as required by 40 CFR
7 403.12(l). If during any reporting period, an industrial user fails
8 to comply with Permit requirements and limitations, the industrial
9 user shall include in the report an explanation of the noncompliance,
10 any known or suspected causes, and actions taken or to be taken to
11 prevent further occurrences.

12 (D) If an Industrial User monitors any pollutant more frequently
13 than required by the Control Authority, using approved procedures, the
14 results of this monitoring shall be included in the report.

15 (E) All sampling, analyses and flow measurements shall be
16 performed by a state certified independent laboratory or by a
17 laboratory approved by the Control Authority. Monitoring and analysis
18 shall be conducted according to methods approved under 40 CFR Part
19 136, unless other test procedures have been approved by the EPA
20 Administrator.

21 (F) All Users shall furnish to the Control Authority, upon
22 request, any information which may be requested to determine if cause
23 exists for modifying, revoking or reissuing the Permit or to determine
24 compliance with this Ordinance, the Program, or the Permit.

25 (G) All Users shall provide any and all information to the
26 Control Authority that may be required to determine the

1 characteristics or nature of the potential discharge.

2 (H) If monitoring and/or analysis is performed by the Control
3 Authority in lieu of the User performing it the User may be charged
4 and shall be required to pay any fees imposed by the Control
5 Authority.

6

7 4.6 NOTIFICATION

8 (A) *All Users shall promptly notify the POTW or the Control*
9 *Authority in advance of any substantial change in the volume or*
10 *character of pollutants in their discharge. For the purposes of this*
11 *requirement, substantial change shall mean that which could cause the*
12 *industrial user to violate this Ordinance or a Permit.*

13 (B) All Users shall notify the Control Authority as soon as
14 possible but at least 30 days prior to any planned changes in the
15 permitted facility or activity.

16 (C) A User shall notify the Control Authority of any discharge
17 that causes injury to persons, or damage to the environment, or poses
18 a threat to human health or the environment, as soon as the User
19 becomes aware of the occurrence.

20 (D) *If sampling performed by an Industrial User indicates a*
21 *violation, the user shall notify the Control Authority within 24 hours*
22 *of becoming aware of the violation. The User shall also repeat the*
23 *sampling and analysis and submit the results of the repeat analysis to*
24 *the Control Authority within 30 days after becoming aware of the*
25 *violation, except the Industrial User is not required to resample if*
26 *the Control Authority determines, as a result of sampling the*

1 Industrial User, that additional monitoring is unnecessary.

2 (E) All Users shall comply with the notification requirements of
3 Section 3 of this Ordinance.

4

5 4.7 RECORDKEEPING

6 *Any industrial user subject to the reporting requirements*
7 *required by this Ordinance, the Program, or a Permit shall be required*
8 *to retain for a minimum of 3 years from the date of the sample,*
9 *measurement, report, or application any records of monitoring*
10 *activities and results (whether or not such monitoring activities are*
11 *required by this section) and shall make such records available for*
12 *inspection and copying by the POTW. Records include all calibration*
13 *and maintenance records, copies of all reports required by this*
14 *Ordinance, the Program, or a Permit, and records of all data used to*
15 *complete the application for the Permit. This period may be extended*
16 *by request of the Control Authority at any time.*

17 *This period of retention shall be extended during the course of*
18 *any unresolved litigation regarding the Industrial User or POTW or*
19 *when requested by the Director or the Regional Administrator.*

20 The following information, at a minimum, is required for all
21 samples:

- 22 (1) *The date, exact place, method, and time of sampling and the*
23 *names of the person or persons taking the samples;*
24 (2) *The dates analyses were performed;*
25 (3) *Who performed the analyses;*
26 (4) *The analytical techniques/methods used; and*

1 (5) *The results of such analyses.*

2 *The reports and other documents required to be submitted or*
3 *maintained under this Ordinance, the Program or a Permit shall be*
4 *subject to the provisions of 18 U.S.C. section 1001 relating to fraud*
5 *and false statements; the provisions of sections 309(c)(4) of the Act,*
6 *as amended, governing false statements, representation or*
7 *certification; and the provisions of section 309(c)(6) regarding*
8 *responsible corporate officers which provide for civil and/or criminal*
9 *penalties for making any false statement, record, report, plan or*
10 *other document.*

11

12 4.8 ADMISSION TO PROPERTY FOR INSPECTION, SAMPLING AND ANALYSIS

13 All Users shall allow any authorized representative of the
14 Control Authority bearing proper credentials to enter upon the
15 premises of any facility without delay where a real or potential
16 discharge is located or records are required to be kept under the
17 terms and conditions of this Ordinance or a Permit, at reasonable
18 times to have access to and copy records required to be kept under the
19 terms and conditions of this Ordinance or a Permit, to inspect any
20 facility or monitoring equipment, to observe monitoring or testing
21 practices or facility treatment or operations, and/or for measuring,
22 sampling, or testing of any discharge of wastewater to the POTW in
23 order to determine compliance with the requirements of this Ordinance,
24 a Permit, and/or any federal, State or local regulations.

25

26 4.9 CONFIDENTIAL INFORMATION AND PUBLIC ACCESS

1 (A) Except as otherwise provided in 40 CFR 2.302, any records,
2 reports or other information obtained pursuant to this Ordinance, the
3 Program, or a Permit, including any correspondence relating thereto,
4 shall be available to the public; however, upon a showing
5 satisfactory to the Control Authority by any person that the making
6 public of any report or information, or a part thereof, other than
7 effluent data, would divulge methods or processes entitled to
8 protection as trade secrets, the Control Authority shall consider such
9 record, report, or information, or part thereof, to be confidential,
10 and access thereto shall be limited to authorized officers or
11 employees of federal or State agencies or the Control Authority.

12 (B) The Control Authority shall serve upon the furnisher of such
13 confidential information verbal notice of the intent to disclose such
14 information prior to disclosure and written notice of the disclosure
15 of such information and the person which properly requested such
16 information. The Control Authority shall submit the claim of
17 confidentiality with the information to the requesting person.

18 (C) Information provided by Users or the Control Authority
19 pursuant to this Ordinance and the Program, that has not been
20 classified as confidential, are open for public inspection. Requests
21 for such review are to be made in writing and an appointment for
22 review may be required.

23

24 SECTION 5 -- ENFORCEMENT PROCEDURES

25 5.1 NOTICE OF VIOLATION

26 A notice of violation will be issued in writing by the Control

1 Authority to any User for failure to meet any pretreatment standards
2 or requirements pursuant to federal, State, or local regulations, this
3 Ordinance, or a Permit.

4

5 5.2 SUSPENSION OF SERVICE

6 (A) The Control Authority may suspend immediately, after
7 informal notification, and indefinitely the wastewater treatment
8 service when in the opinion of the Control Authority such suspension
9 is necessary in order to halt an actual or threatened discharge or
10 other activity which presents or may present an imminent or
11 substantial endangerment to the health or welfare of persons or the
12 environment or the POTW as authorized by 40 CFR 403.8(f)(1)(vi).

13 (B) The Control Authority may suspend the wastewater treatment
14 service when in the opinion of the Control Authority the discharge may
15 cause interference to the POTW, may cause the Control Authority to
16 violate any condition of its NPDES Permit, or when the User has failed
17 to comply with any of the requirements of this Ordinance or the
18 Program or any conditions of the Permit. In any of these events, the
19 Control Authority will provide (30) days written notice served in
20 person or by registered or certified mail to the User of the intent to
21 suspend service. If served by mail, the notice shall be sent to the
22 last address known to the Control Authority. Where the address is
23 unknown, service may be made upon the owner of record of the property
24 involved. Notice shall be deemed to have been given at the time of
25 deposit, postage prepaid, in a facility serviced by the United States
26 Postal Service. If the User does not respond to this notice by

1 abatement of the noncompliance or voluntary suspension of discharge
2 within the (30) days, the Control Authority will immediately suspend
3 the service. Service will not be restored to the User until abatement
4 of the noncompliance has been achieved by the User and verified by the
5 Control Authority. Any costs incurred by the Control Authority in
6 suspending or restoring the service will be billed to and recoverable
7 from the User.

8 (C) Any person notified of a suspension of the wastewater
9 treatment service and/or the Permit shall immediately stop or
10 eliminate its discharge. In the event of a failure to voluntarily
11 comply with the suspension order, the Control Authority may take such
12 steps as are deemed necessary including, but not limited to, immediate
13 severance of the sewer connection, to prevent or minimize damage to
14 the POTW system or endangerment to any individuals.

15 (D) The Control Authority shall reinstate the wastewater
16 treatment service and/or Permit upon proof of the elimination of the
17 noncomplying discharge and payment of any damages to the POTW or of
18 any fines or penalties assessed against the POTW for violation of its
19 NPDES permit or payment of any fines or penalties assessed against the
20 User for the noncompliance. A detailed written statement submitted by
21 the User describing the causes of the harmful contribution and the
22 measures taken to prevent future occurrence shall be submitted to the
23 Control Authority within 5 days of the date of occurrence.

24 5.3 REVOCATION OF PERMIT

25 (A) In addition to suspension of service as provided in
26 Subsection 5.1, any User who commits any of the following violations

1 is subject to having a Permit revoked in accordance to circumstances
2 and conditions established by the approved Enforcement Response Plan
3 for the Control Authority:

- 4 (1) Missed interim or final compliance schedule date;
- 5 (2) Failure to report or notify completely or accurately;
- 6 (3) Late to report or notify;
- 7 (4) Failure to report;
- 8 (5) Failure to install manholes or monitoring equipment;
- 9 (6) Failure to sample, monitor, or analyze as required;
- 10 (7) Failure to develop an Accidental Spill Prevention Plan;
- 11 (8) Refusal of reasonable or timely access to premises for
12 inspection or monitoring;
- 13 (9) Slug discharge, whether harmful or not;
- 14 (10) Reporting false information;
- 15 (11) Exceeding discharge limitation or prohibition;
- 16 (12) Falsifying, tampering with or rendering inaccurate any
17 required monitoring device or method.

18 (B) Any User meeting the conditions of the approved Enforcement
19 Response Plan that call for a show cause hearing shall, in an informal
20 hearing, show cause why the Permit should not be revoked. At this
21 hearing, the discharger may appear personally or through counsel. The
22 Control Authority will provide (30) days written notice served in
23 person or by registered or certified mail to the User of the date of
24 the show cause hearing. If served by mail, the notice shall be sent
25 to the last address known to the Control Authority. Where the address
26 is unknown, service may be made upon the owner of record of the

1 property involved. Notice shall be deemed to have been given at the
2 time of deposit, postage prepaid, in a facility serviced by the United
3 States Postal Service. No later than 7 days following the informal
4 hearing, the User will be notified of the decision.

5 (C) The Control Authority shall immediately, following informal
6 notice to the User and without a show cause hearing, revoke a Permit
7 where a User meets the conditions of the approved Enforcement Response
8 Plan that call for revocation of the Permit.

9 (D) Any User notified of revocation of the Permit shall
10 immediately cease and desist its discharge. In the event of a failure
11 to voluntarily comply with the cease and desist order, the Control
12 Authority shall take such steps as are deemed necessary including, but
13 not limited to, immediate severance of the sewer connection.

14 (E) Any User that has a Permit revoked and desires to discharge
15 to the POTW shall reapply for a Permit and shall meet all of the
16 requirements of this Ordinance including, but not limited to, payment
17 of all application and reconnection fees, costs incurred by the
18 Control Authority in revoking the permit and blocking or disconnecting
19 the User's discharge from the POTW, delinquent fees, charges and
20 penalties and such other sums as the User may owe to the Control
21 Authority or other local agencies.

22

23 5.4 LEGAL ACTIONS

24 Any User who commits any of the following violations is subject
25 to legal action, in accordance to circumstances and conditions
26 established by the approved Enforcement Response Plan for the Control

1 Authority, including, but not limited to, administrative order(s) to
2 achieve compliance, a minimum penalty of \$1,000 per day for each
3 offense up to a maximum penalty of \$50,000 per day for each offense,
4 and judicial action:

5 (A) Missed interim or final compliance schedule date;

6 (B) Failure to report or notify completely or accurately;

7 (C) Late to report or notify;

8 (D) Failure to report;

9 (E) Failure to install manholes or monitoring equipment as
10 required;

11 (F) Failure to sample, monitor, or analyze as required;

12 (G) Failure to develop an Accidental Spill Prevention Plan;

13 (H) Failure to implement an Accidental Spill Prevention Plan;

14 (I) Refusal of reasonable or timely access to premises for
15 inspection or monitoring;

16 (J) Slug discharge, whether harmful or not;

17 (K) Reporting false information;

18 (L) Exceeding discharge limitation or prohibition;

19 (M) Falsifying, tampering with or rendering inaccurate any
20 required monitoring device or method;

21 (N) Failure to comply with conditions of this Ordinance or a
22 Permit;

23 (O) Discharge without a Permit or approval of the Control
24 Authority.

25 Violators of offenses resulting in or exacerbating violations of
26 POTW NPDES, air, or other federal or State permit, consent order or

1 Judgment is subject to a penalty by the POTW for each offense plus
2 damages including, but not limited to, legal fees and recovery of any
3 penalties paid by the POTW.

4 Monetary penalties shall be used by the Control Authority solely
5 for implementation of the Program.

6 The Control Authority may institute a civil action in the
7 Superior Court of the State or other court of competent jurisdiction
8 for injunctive relief to prohibit and prevent any violation of this
9 Ordinance, any Pretreatment Standard, or any regulations promulgated
10 thereunder.

11

12 5.5 PUBLIC NOTICE

13 Any User who commits any of the following violations is subject
14 to public notice, in accordance with requirements of 40 CFR
15 403.8(f)(2)(vii) and circumstances and conditions established by the
16 approved Enforcement Response Plan for the Control Authority:

17 *(A) Chronic violations of wastewater discharge limits, defined*
18 *here as those in which sixty-six percent or more of all of the*
19 *measurements taken during a six-month period exceed (by any magnitude)*
20 *the daily maximum limit or the average limit for the same pollutant*
21 *parameter;*

22 *(B) Technical Review Criteria (TRC) violations, defined here as*
23 *those in which thirty-three percent or more of all of the measurements*
24 *for each pollutant parameter taken during a six-month period equal or*
25 *exceed the product of the daily maximum limit or the average limit*
26 *multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil,*

1 and grease, and 1.2 for all other pollutants except pH);

2 (C) Any other violation of a pretreatment effluent limit (daily
3 maximum or longer-term average) that the Control Authority determines
4 has caused, alone or in combination with other discharges,
5 interference or pass through (including endangering the health of POTW
6 personnel or the general public);

7 (D) Any discharge of a pollutant that has caused imminent
8 endangerment to human health, welfare or to the environment or has
9 resulted in the POTW's exercise of its emergency authority under
10 paragraph (f)(1)(vi)(B) of this section to halt or prevent such a
11 discharge;

12 (E) Failure to meet, within 90 days after the schedule date, a
13 compliance schedule milestone contained in a local control mechanism
14 or enforcement order for starting construction, completing
15 construction, or attaining final compliance;

16 (F) Failure to provide, within 30 days after the due date,
17 required reports such as baseline monitoring reports, 90-day
18 compliance reports, periodic self-monitoring reports, and reports on
19 compliance with compliance schedules;

20 (G) Failure to accurately report noncompliance;

21 (H) Any other violation or group of violations which the Control
22 Authority determines will adversely affect the operation or
23 implementation of the local pretreatment program.

24

25 5.6 COSTS OF ABATEMENT

26 All costs of abatement of any and all violations by any User

1 shall be borne by the User.

2

3 5.7 COMPLIANCE SCHEDULE

4 Development of a compliance schedule may be required of any User
5 for the installation of technology required to meet a pretreatment
6 standard or requirement. A compliance schedule shall be issued by the
7 Control Authority as an enforcement action if federal deadlines for
8 final compliance with the applicable pretreatment standard have
9 passed.

10

11 SECTION 6 -- CONSTRUCTION OF FACILITIES

12 (A) All design of sewers, connections to sewers, pretreatment
13 facilities and appurtenances which are directly or indirectly
14 connected to the POTW shall be designed in accordance with all state
15 laws, local ordinances and regulations, and with generally accepted
16 engineering practice. Any works to be constructed within a public
17 right-of-way shall be designed by an engineer licensed to practice in
18 the State of Oregon. Any works on private projects connected to the
19 POTW may require design by an engineer licensed to practice in the
20 State of Oregon, when, in the opinion of the engineer representing the
21 Sanitary Authority, the complexity of the system requires such
22 professional knowledge.

23 No person shall construct a building sewer, or a lateral
24 sewer, or make any connection with any public sewer without first
25 obtaining a written permit from the Sanitary Authority and paying all
26 fees and complying with all requirements and conditions required by

1 regulations to be adopted under this and other ordinances by the
2 Sanitary Authority and in accordance with all applicable federal,
3 State and local rules and regulations.

4 (B) A wastewater pretreatment system or device may be required
5 to treat flows prior to discharge to the POTW of certain waste
6 constituents not in compliance with this Ordinance, the Program, or a
7 Permit, in order to distribute more equally over a longer time period
8 any peak discharges of wastewater, or to meet effluent limits required
9 by this Ordinance, the Program, or a Permit. All pretreatment systems
10 or devices shall be approved by the Control Authority but such
11 approval shall not relieve the User of the responsibility of meeting
12 any requirement of this Ordinance, the Program or a Permit.

13 All domestic or sanitary wastewaters from rest rooms,
14 showers, drinking fountains, etc., shall be kept separate from all
15 industrial wastewaters until the industrial wastewaters have passed
16 through any required pretreatment system or device.

17 (C) All Users *shall be required to install, use and maintain*
18 *such monitoring equipment or methods as may be required to carry out*
19 *the objective of the Act* including but not limited to suitable
20 manhole(s), meters and appurtenances or other facilities to facilitate
21 observation, sampling, and measurement of the combined wastes from the
22 premises. All monitoring equipment and facilities shall be installed
23 by the User at his expense and shall be maintained by him so as to be
24 safe, operable and accessible at all times. All manholes installed to
25 meet the requirements of this section shall be located off the
26 industrial premises or if within the plant fence, a special locked

1 gate adjacent to the manhole and at a location approved by the Control
2 Authority shall be provided, with keys to the gate lock given to the
3 Control Authority. Unrestricted access to this manhole or other
4 meters, appurtenances, or other monitoring facilities shall be
5 available to authorized personnel of the Sanitary Authority and the
6 Control Authority at all times. The control manhole may be used as a
7 junction manhole for domestic sewage and industrial wastes provided
8 the junction occurs downstream of the sampling or flow measuring
9 point.

10 All significant industrial users and any other Users as
11 required by the Control Authority shall furnish and install at the
12 control manhole or other appropriate location a calibrated flume,
13 weir, flow meter, or similar device approved by the Control Authority
14 and suitable to measure the flow rate and total volume of the combined
15 wastestream or other discharge. A flow indicating, recording and
16 totalizing register may be required by the Control Authority.

17 Grease, oil, and sand interceptors shall be provided by any
18 User when, in the opinion of the Control Authority they are necessary
19 for the proper handling of liquid wastes containing grease in
20 excessive amounts, or any flammable wastes, sand, or other harmful
21 ingredients. All interceptors shall be of a type and capacity
22 approved by the Control Authority, and shall be so located as to be
23 readily and easily accessible for cleaning and inspection.

24 (D) All monitoring facilities, whether on public or private
25 property, shall be constructed in accordance with applicable State and
26 local construction standards and specifications. Plans and

1 specifications for all such work shall be submitted, prior to
2 construction, to the Control Authority for approval as conforming to
3 requirements of the Program and this or other ordinances.

4 (E) All Users shall obtain approval from the Control Authority
5 prior to construction, installation, modification, or operation of any
6 facility for the collection, treatment or discharge of any pollutant
7 into the POTW.

8 (F) All Users shall comply with Section 3.2(A) in the
9 construction of facilities or equipment for the prevention of
10 accidental discharges.

11

12 SECTION 7 -- FEES

13 7.1 PURPOSE AND POLICY

14 This section authorizes the establishment of charges and fees and
15 recovery of costs incurred for activities covered by this Ordinance
16 and/or the Program and chargeable to persons who discharge to the
17 POTW.

18

19 7.2 CHARGES AND FEES

20 The Control Authority may establish reasonable charges and fees
21 which may include, at a minimum:

- 22 (A) fees for reviewing accidental discharge procedures and
23 construction;
- 24 (B) fees for Permit applications, modifications or renewals;
- 25 (C) fees for treatment of extra-strength pollutants;
- 26 (D) fees for monitoring and/or analysis of a User's discharge;

1 (E) fees for filing appeals;

2 (F) other fees as the Control Authority may deem necessary to
3 carry out the requirements of this Ordinance.

4 Such charges and fees relate solely to the matters covered by
5 this Ordinance and are separate from all other fees chargeable by the
6 Sanitary Authority.

7

8 7.3 RECOVERY OF COSTS

9 For each and every occurrence of any impact to the environment,
10 the POTW collection system, treatment facilities or other
11 appurtenances, or the receiving waters caused by a discharge, and
12 notwithstanding any fines, penalties and/or surcharges that may be
13 applicable to the discharge, the Control Authority may recover the
14 direct and indirect costs associated with the clean up, repair,
15 recovery or any other activity required directly or indirectly due to
16 the impact of the discharge. The costs shall include but not be
17 limited to:

18 (A) the actual direct and indirect costs of any labor required
19 to monitor, test, repair, clean up, pick up, pump, vacuum, sweep, or
20 in any other way recover from the discharge and return the affected
21 facility(ies) to the conditions required by permit;

22 (B) the actual direct and indirect costs of any outside services
23 billed to the authority and/or its representatives for any services,
24 monitoring, testing, repairs, clean up, pumping, recording,
25 containment, work, or other activity engaged in to directly or
26 indirectly assist the Control Authority in returning the affected

1 facility(ies) to the conditions required by permit;

2 (C) the actual direct and indirect costs of any materials,
3 supplies, parts, and/or equipment used by the Control Authority and/or
4 its representatives for any services, monitoring, testing, repairs,
5 clean up, pumping, recording, containment, work, or other activity
6 engaged in to directly or indirectly assist the Control Authority in
7 returning the affected facility(ies) to the conditions required by the
8 permit;

9 (D) the actual direct and indirect costs of any services related
10 to the discharge provided to the Control Authority by any public
11 agency;

12 (E) the actual amount of any and all legal fees incurred by the
13 Control Authority in defending against fines, penalties,
14 administrative fees, judgements and/or settlements against the User or
15 its representatives resulting directly or indirectly from the
16 discharge;

17 (F) the actual amount of any and all legal fees incurred by the
18 Control Authority in collecting any and all fines, penalties,
19 administrative fees, judgements and/or settlements against the User or
20 its representatives resulting directly or indirectly from the
21 discharge; or

22 (G) the actual amount of any fines, penalties, administrative
23 fees, judgements and/or settlements against the Control Authority or
24 its representatives resulting directly or indirectly from the
25 discharge whether imposed, adjudicated, negotiated or required by any
26 legal means.

1 The costs shall be calculated by the Control Authority from the
2 records, reports, documents and/or invoices submitted by the
3 contractors, vendors, suppliers, agencies and/or claimants and
4 verified by legal counsel to the Control Authority. The User shall be
5 invoiced for these costs as they are developed and submitted and
6 payment is due net 10 days, with the Control Authority receiving
7 interest at the maximum acceptable rate per month on the unpaid
8 balance.

9 SECTION 8 -- DUTY TO COMPLY

10 (A) All Users shall comply with applicable pretreatment
11 standards and requirements.

12 (B) All Users shall comply with the discharge prohibitions and
13 limitations established in Section 2 of this Ordinance.

14 (C) All Users shall comply with requirements of Parts 204(b) and
15 405 of the Clean Water Act and subtitles C and D of the Resource
16 Conservation and Recovery Act.

17 (D) Lack of an issued discharge permit does not relieve a User
18 of the duty to comply with federal, State, or local regulations
19 including, but not limited to, this Ordinance.

20 (E) A User that has been issued a Permit by the Control
21 Authority has the duty to comply with the requirements and conditions
22 of the Permit and the regulations.

23 (F) A User that has been issued a Permit by the Control
24 Authority is not relieved of standards and requirements placed on it
25 by other agencies or authorities.

26 (G) All Users shall comply with any requirements regarding the

1 generation, treatment, storage, and/or disposal of solids, sludges,
2 filter backwash, or other pollutants removed in the course of
3 treatment or control of wastewaters.

4 (H) All Users shall comply with any requirements regarding the
5 generation, treatment, storage, and/or disposal of hazardous wastes as
6 defined under the Resource Conservation and Recovery Act and statutory
7 provisions and regulations relative to refuse, liquid, and/or solid
8 waste.

9 (I) All Users shall comply with requirements of federal, State
10 and local regulations affecting this Program or be subject to
11 enforcement actions. The most stringent of these requirements will
12 apply.

13

14 SECTION 9 -- USERS OUTSIDE JURISDICTION OF ROSEBURG URBAN SANITARY
15 AUTHORITY

16 All industrial users outside the jurisdiction of the Sanitary
17 Authority proposing to connect to or discharge wastewater into the
18 POTW shall complete and file with the Control Authority, at least
19 (180) days prior to connecting to the POTW, an industrial waste survey
20 questionnaire (IWSQ). Each existing industrial user shall file an
21 IWSQ within ninety (90) days after the effective date of this
22 Ordinance and periodically as required by the Control Authority. All
23 IWSQs shall be signed by an authorized signatory of the User.

24 All industrial users outside the jurisdiction of the Sanitary
25 Authority discharging or desiring to discharge to the POTW shall pay
26 all applicable fees and charges determined by the Sanitary Authority

and the Control Authority and shall comply with the requirements of this Ordinance, the Program, and any Permits issued by the Control Authority or be subject to enforcement actions.

SECTION 10 -- 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 articles shall not be affected and shall continue in full force and effect.

SECTION 11 -- 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 12 -- EFFECTIVE DATE

This Ordinance shall be in full force and effect on December 13, 1991. This Ordinance shall have such full force and effect only so long as the useful life of the POTW.

ROSEBURG URBAN SANITARY AUTHORITY

J. William Neumann

Chairman, Board of Directors

Countersigned:

John H. O'Brien
Manager

1st Reading October 9, 1991

2nd Reading November 13, 1991