

Chapter 13.16

SEWER SYSTEM INDUSTRIAL USERS

Sections:

ARTICLE I. GENERAL PROVISIONS

- 13.16.010 Declaration of policy.
- 13.16.020 Definitions.
- 13.16.025 Purpose and Policy

ARTICLE II. DISCHARGE PROHIBITIONS

- 13.16.030 General provisions.
- 13.16.040 General discharge prohibitions.
- 13.16.050 Restricted substances.
- 13.16.060 Specific restricted substance limitations.
- 13.16.070 Dilution.
- 13.16.080 Accidental and unlawful discharges.
- 13.16.090 Domestic wastewater.

ARTICLE III. ADMINISTRATION AND FEES

- 13.16.100 Fees--Purpose.
- 13.16.110 Fee items.
- 13.16.120 Permit to discharge--When required.
- 13.16.130 Permit--Application.
- 13.16.140 Modification of permit.
- 13.16.150 Duration of permit.
- 13.16.160 Permit conditions.
- 13.16.170 Transfer of permit.
- 13.16.180 Analysis and reporting requirements.
- 13.16.190 Monitoring facilities.
- 13.16.200 Inspection and sampling.
- 13.16.210 Pretreatment facilities.
- 13.16.220 Confidential information.

ARTICLE IV. ENFORCEMENT

- 13.16.225 Right of Entry
- 13.16.230 Public nuisance.
- 13.16.240 Cease and desist order.
- 13.16.250 Submission of time schedule.
- 13.16.260 Revoking a permit and terminating service.
- 13.16.270 Public notification of violations.
- 13.16.280 Implementation.

ARTICLE V. APPEALS

- 13.16.290 Reconsideration.
- 13.16.300 Appeals to the city.

ARTICLE VI. COLLECTION OF COSTS AND PENALTIES

- 13.16.310 Damage to sewerage system--Liability.
- 13.16.320 Violation--Penalty.

ARTICLE I. GENERAL PROVISIONS

13.16.10 Declaration of policy. A. This chapter sets requirements for the nonresidential discharge of pollutants into the city sewerage system. The objectives of this chapter are to:

1. Prevent the discharge of pollutants into the city sewerage system which will interfere with the operation of the system or contaminate the resulting sludge;

2. Prevent the discharge of pollutants into the city sewerage system which will pass through the system, inadequately treated, into receiving waters;

3. Maintain or improve the opportunity to recycle and reclaim wastewater and sludge from the city sewerage system.

B. In achieving the objectives of this chapter, it shall be the policy of the city to actively support the community's commerce and industry through accommodation, assistance and cooperation consistent with the city's responsibility to protect the waters of the state from pollution and to secure the health, safety and welfare of the residents of the metropolitan area.

C. Pollutants shall be accepted into the city sewerage system subject to regulations and requirements as may be promulgated by state and federal regulatory agencies or the city for the protection and safety of receiving water quality and avoidance of nuisance. As a minimum, nonresidential users of the city sewerage system shall comply with the applicable pretreatment standards developed under state (OAR 340-45-063) and federal (40 CFR 403) regulations. Pretreatment standards are established or referenced in this chapter to ensure that at a minimum, the city and nonresidential users comply with Sections 307(b) and 307(c) of the Federal Water Pollution Control Act as amended by the Clean Water Act of 1977 and the regulations promulgated pursuant to the Act.

D. City-issued wastewater discharge permit conditions shall be predicated on federal, state and local regulations and requirements and on the results of analysis of the type, concentration, quantity and frequency of discharge including the geographical relationship of the point of discharge to sewerage and treatment facilities. These permit conditions shall be reevaluated upon expiration of the permit and may be revised from time to time as required to remain consistent with local, state or federal laws, regulations and requirements or to meet any emergency. Wastewater Discharge Permits may include, but shall not be limited to, conditions pertaining to discharge standards, self-monitoring requirements, treatment methods, housekeeping practices, inventory storage and manufacturing methods that are intended to protect the waters of the state.

E. Except as otherwise provided herein, the city manager shall administer, implement and enforce the provisions of this chapter. (Ord. 724 §1, 2002; Ord. 579 §1.1, 1991)

13.16.020 Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the following meanings:

"Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended through the effective date of the ordinance codified in this chapter, 33 USC 1251, et seq.

"Authorized representative of nonresidential user" means: (1) a principal executive officer of at least the level of vice-president, if the nonresidential user is a corporation; (2) a general partner or proprietor if the nonresidential user is a partnership or proprietorship, respectively; (3) an agent of the nonresidential user who is responsible for the overall operation of the facilities from which the discharge originates; (4) an authorized agent of the nonresidential user.

"Biochemical oxygen demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees Celsius, expressed in milligrams per liter.

"City" means the city of Scappoose.

"City manager" means the city manager of the city as defined by ordinance, or the city manager's designee.

"City sewerage system" means a treatment works as defined by Section 212 of the Act. This definition includes any publicly-owned sewers that convey wastewater, pumps, treatment plants, structures and appurtenances used to transport, store or treat sewage, storm or surface water of any type.

"Cooling water" means water discharged from any use to which the only pollutant added is heat.

"DEQ" means the Oregon Department of Environmental Quality.

"Discharge" means the deposit of pollutants into the city sewerage system.

"EPA" means the United States Environmental Protection Agency.

"Nonresidential user" or "industrial user" means a generator or contributor of solid or liquid waste material, as described in Section 13.16.030, which is placed in, or which is intended or attempted to be placed in the sewerage system of the city.

"Person" means any individual, partnership, joint venture, firm, company, cooperation, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity. The singular shall include the plural.

"pH" means the logarithm (base 10) of the reciprocal of the hydrogen ion activity expressed in moles per liter of solution.

"Pollutant" means any element or compound discharged into the city sewerage system, except water, unless the water has been heated, cooled or irradiated.

"Pollution" means the alteration of the chemical, physical, biological or radiological state of water.

"Pretreatment" means the reduction or elimination of pollutants in wastewater prior to discharging the wastewater into the city sewerage system.

"Restricted substance" means pollutants which may be discharged into the city sewerage system subject to Section 13.16.040 or as prescribed by the city manager pursuant to Section 13.16.030.

"Shall" is mandatory. "May" is permissive.

"SIC number" means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, as amended.

"Standards" means the limitations and requirements established by federal, state and local laws and regulations for discharges to the city sewerage system.

"State" means the state of Oregon.

"Suspended solids" means the total elements and compounds which float on the surface of, or are suspended in, wastewater and which are removable by laboratory filtration.

"Toxic pollutant" means any pollutant or combination of pollutants identified pursuant to Section 307(a) of the Act or otherwise listed as toxic in regulations previously promulgated by the EPA, or as identified by the city manager.

"Wastewater" means liquid-carried pollutants including but not limited to any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is discharged, flows, or infiltrates into the city sewerage system.

"Wastewater discharge permit" means a permit issued pursuant to Article III of this chapter. (Ord. 724 §1, 2002; Ord. 579 §1.2, 1991)

## ARTICLE II. DISCHARGE PROHIBITIONS

13.16.025 Purpose and Policy. Discharge prohibition requirements enables the City to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code ` 1251 et seq) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of discharge prohibitions are:

A. To prevent the introduction of pollutants into the municipality wastewater system that will interfere with the operation of the system or contaminate the resulting sludge;

B. To prevent the introduction of pollutants into the municipal wastewater system that will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;

C. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Plant; and

D. To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws. (Ord. 879, 2019)

13.16.030 General provisions. A. The city manager shall have the right to revise substance limitations, or to revise the list of substances to meet new city, state or federal standards, regulations or laws. Further, if substance limitations are not set for a particular substance, the city manager shall establish a limitation when the need arises. Substance limitations shall be at least as restrictive as defined in state and federal regulations.

B. Standards established in this chapter, defined by the state or federal regulations, and which are incorporated into a discharge permit shall remain in effect for that permit until it expires, except as modified as provided for in Article IV of this chapter.

C. When testing is performed to determine concentrations and quantities of pollutants, it shall be completed by a qualified firm using standard methods or as called for by regulatory agencies. A listing of acceptable testing laboratories can be obtained from the city manager. (Ord. 579 §2.1, 1991)

13.16.040 General discharge prohibitions. No nonresidential user shall discharge any pollutant which will interfere with the operation or performance of the city sewerage system, including but not limited to any of the following substances:

A. Any liquids, solids or gases, which either alone or in combination with other pollutants, may support combustion or cause explosion, or fire, or be injurious in any other way to the city sewerage system or its operations, such as, but not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the city sewerage system (or at any point in the city sewerage system) be more than five percent nor any single reading be over ten percent of the lower explosive limit of the meter.

B. Solid or viscous substances, which either alone or in combination with other pollutants, may cause obstruction to the flow in a sewer or other interference with the operation of the city sewerage system such as, but not limited to: grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains or hops, wastepaper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

C. Any wastewater having a pH less than 6.0 or greater than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the city sewerage system.

D. Any wastewater containing toxic pollutants, which either alone or in combination with other pollutants, may injure or interfere with any wastewater treatment process, constitutes a hazard to humans or animals, creates a toxic effect in the receiving waters of the city sewerage system, or exceeds any limitation set forth in a National Categorical Pretreatment Standard or any other pretreatment standard.

E. Any noxious or malodorous liquid, gas or solid, which, either alone or in combination with other pollutants, is sufficient to create a public nuisance or hazard to life, or is sufficient to prevent entry into the city sewerage system for maintenance or repair.

F. Any substance which may cause the city sewerage system's effluent or any other product of the city sewerage system such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.

G. Any substance which will cause the city to violate its waste discharge permit issued by DEQ.

H. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

I. Any wastewater having a temperature which will inhibit biological activity in the treatment plant or stimulate excessive biological activity in the city sewerage system, but in no case

13.06.040--13.06.060

wastewater with a temperature at the point of discharge into the city sewerage system which exceeds sixty-five degrees C (one hundred fifty degrees F) or with a temperature which exceeds forty degrees C (one hundred four degrees F) at the treatment works influent.

J. Any pollutants at a flow rate and/or pollutant discharge rate which are excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency. In no case shall a slug load have a flow rate or discharge quantities of pollutants that exceed for any time period longer than fifteen minutes more than three times the average flow rates or discharge quantities during normal operation.

K. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the city manager or applicable state or federal standards.

L. Any wastewater containing oil and grease in excess of one hundred milligrams per liter of solution.

M. Any unpolluted water including, but not limited to, noncontact cooling water, storm water, groundwater, roof runoff, or subsurface drainage.

N. Any substance which exists in greater concentrations than is normally found in domestic wastewater, as defined by the city. (Ord. 724 §1, 2002; Ord. 579 §2.2, 1991)

13.16.050 Restricted substances. No nonresidential user shall discharge waste containing restricted substances into the city sewerage system, in excess of limitations specified by conditions of its wastewater discharge permit or this chapter. At all times these standards will cover and be at least as strict as those for pollutants as defined in state and federal regulations, discharge limits or standards in effect and incorporated regulations, discharge limits or standards in effect and incorporated into any issued wastewater discharge permit. These standards shall remain in effect for that permit until it expires, except as modified as provided in Article IV of this chapter. (Ord. 579 §2.3, 1991)

13.16.060 Specific restricted substance limitations. The following additional parameters or more restrictive maximum quantities may be required, and may be promulgated by the city manager, state or federal agencies:

<u>Parameter</u>	<u>Concentration (mg/l)</u> <u>Daily Maximum</u>
Cadmium	1.0
Chromium, total	9.0
Copper	2.5
Cyanide	2.0
Lead	3.0
Mercury	0.1
Nickel	3.5

Silver	1.0
Zinc	3.0
Phenol	3.0
Arsenic	1.0

(Ord. 879, 2019; Ord. 579 §2.4, 1991)

13.16.070 Dilution. No nonresidential user shall increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with the standards contained in this chapter, unless expressly authorized by the City. The City Manager or designee may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements. (Ord. 879, 2019; Ord. 579 §2.5, 1991)

13.16.080 Accidental and unlawful discharges. A. Each User shall provide protection from accidental discharge of prohibited materials or other substances regulated by 13.16. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction and operation of the facility.

B. Telephone Notice. Any nonresidential user or employee thereof becoming aware of a discharge in violation of this chapter into the city sewerage system shall report such discharge immediately by telephone to the city manager or designee. The notification shall include as much information as possible on the location of the discharge, type of waste, concentration and volume of pollutant and corrective actions proposed and/or taken.

C. Written Notice. Within five days following such a discharge, the nonresidential user shall submit to the city manager a detailed written report on a standard city report form describing the cause and location of the discharge, the type, concentration and volume of pollutant discharged, and any hazards which may be posed to life or property and the measures taken or to be taken to prevent similar future occurrences.

D. Preventive Measures. Preventive measures to avoid future accidental discharges shall be reviewed by the city.

E. Responsibility. The nonresidential user shall be financially responsible for damages, violations or fines due to unlawful accidental discharges.

F. Notice to Employees. Each nonresidential user subject to Section 13.16.120 shall permanently post a notice, on its bulletin board or other prominent place, advising employees whom to call in the event of a discharge in violation of this chapter. Employers shall ensure that all employees who may witness, be made aware of, cause or suffer such a discharge to occur or who are likely to detect such discharge are advised of the emergency notification procedure. (Ord. 879, 2019; Ord. 724 §1, 2002; Ord. 579 §2, 1991)

13.16.090 Domestic wastewater. Domestic wastewater produced by nonindustrial users shall not be mixed with industrial wastewater until the industrial wastewater has been pretreated and measured. (Ord. 579 §2.7, 1991)

ARTICLE III. ADMINISTRATION AND FEES

13.16.100 Fees--Purpose. It is the purpose of this section to establish a fee structure for implementation and operation of a pretreatment program through a system of equitable charges of fees to be paid by nonresidential users of the city sewerage system who are subject to Section 13.16.120. The applicable fees shall be set forth in a schedule of fees. (Ord. 579 §3.1, 1991)

13.16.110 Fee items. The city may adopt, by resolution, fees for providing the following services:

- A. Setting up a pretreatment program;
- B. Operating and maintaining a pretreatment facility;
- C. Sampling and monitoring discharge;
- D. City inspections;
- E. Reviewing accidental discharge preventive procedures and construction;
- F. Treating nonresidential wastewater;
- G. System development charge;
- H. Reviewing and acting upon appeals;
- I. Reviewing and acting upon permit applications;
- J. Violation of discharge permit;
- K. Other services the city manager may deem necessary to carry out the requirements of this chapter. (Ord. 724 §1, 2002; Ord. 579 §3.2, 1991)

13.16.120 Permit to discharge--When required. Each nonresidential user discharging, proposing to discharge or having the potential to discharge significant contributions of wastewater containing restricted substances into the city sewerage system shall secure a wastewater discharge permit from the city if the nonresidential user:

- A. Is subject to national categorical pretreatment standards promulgated by EPA under Section 307(b) or (c) of the Act; or
- B. Has in its waste toxic pollutants as defined pursuant to Section 307 and Section 502 of the Act; or
- C. Has a nondomestic flow of twenty-five thousand gallons or more per average work day; or
- D. Contributes more than five percent of the average dry weather hydraulic, organic or solids handling load to the city's wastewater treatment plant; or
- E. Is determined by the state or city to have a significant impact or potential for significant impact which would adversely affect the city sewerage system by either upset, inhibition, pass through of pollutants, sludge contamination or other means. (Ord.579 §4.1.1, 1991)

13.16.130 Permit--Application. A. Existing nonresidential users shall apply for a wastewater discharge permit within ninety days after becoming subject to the requirements of Section 13.16.120. New nonresidential users subject to the requirements of Section 13.16.120 shall apply for and obtain a permit prior to connecting to or discharging to the city sewerage system.

B. Any nonresidential user with a valid permit and proposing to make a change in its existing discharge which will substantially change the volume of flow or the characteristics of the discharge or establish a new point of discharge, shall apply for and obtain an amended permit before making such change.

C. Applications shall be made to the city manager in writing on forms provided by the city and shall include the following information.

1. Name, address, telephone number and authorized representative of the applicant and service address;

2. SIC number;

3. A list of environmental control permits held by or for the applicant;

4. A list of wastewater pollutants and their characteristics actually or potentially discharged at the applicable site, including measured or estimated daily average and daily maximum concentrations of these pollutants. If concentrations are estimated, describe how the assessments were estimated;

5. A description of spill prevention measures or plans which are currently in place at the site;

6. Water use and wastewater flow rates, including maximum daily, average daily, average monthly and seasonal variations, if any;

7. A schematic diagram of applicant's industrial processes including a listing of estimated average water flow through each process and indicating point of discharge to city sewerage system. Also, a detailed site, floor, or plumbing plan showing the size and location of all sewers, sewer connections and appurtenances;

8. A description of activities, facilities and processes on the premises, including a description of types and quantities of products produced, manufacturing methods used, types and quantities of principal and minor materials used, and a work and production schedule for the site.13.16.130--13.16.160

D. The city manager will evaluate the data furnished by the nonresidential user and may require additional information or sampling of wastewater characteristics. If the proposed discharge meets the requirements of this chapter and the sewer system has the capacity, the city will issue a wastewater discharge permit subject to appropriate terms and conditions. (Ord. 579 §4.1.2, 1991)

13.16.140 Modification of Permit. Discharge conditions included in a wastewater discharge permit shall remain in effect for that permit until it expires, except that they may be revised from time to time as the city manager deems necessary to effectively manage industrial waste discharge. The nonresidential user shall be informed of any proposed changes in its permit at least forty-five days prior to the effective date of change except in the event of an emergency. (Ord. 579 §4.1.3, 1991)

13.16.150--13.16.180

13.16.150 Duration of Permit. Permits shall be issued for a specified time period, not to exceed three years. The industrial user shall apply for permit reissuance a minimum of ninety days prior to the expiration of the existing permit if it desires to continue the uninterrupted discharge of restricted substances. (Ord. 579 §4.1.4, 1991)

13.16.160 Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter. Permits may contain the following conditions:

- A. Payment of applicable fees;
- B. Limits on the average and maximum discharge of restricted substances;
- C. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- D. Requirements for installation and maintenance of pretreatment, inspection or monitoring sampling facilities;
- E. Specifications for monitoring and sampling programs which may include monitoring sampling locations, frequency of monitoring sampling, number, types and standards for tests and reporting schedules;
- F. Compliance schedules;
- G. Requirements for submission of technical reports or discharge reports;
- H. Requirements for maintaining and retaining records relating to wastewater discharge as specified by the city manager, and affording the city manager access thereto;
- I. Requirements for notification of the city of any new introduction of restricted substances or any substantial change in the volume or character of the wastewater or restricted substances being discharged into the city sewerage system;
- J. Requirements for notification of sludge discharges;
- K. Other conditions as deemed appropriate by the city manager to achieve compliance with this chapter. (Ord. 579 §4.1.5, 1991)

13.16.170 Transfer of permit. A wastewater discharge permit will be issued only to a specific nonresidential user for a specific operation and specific wastewater. A wastewater discharge permit shall not be assigned, transferred or sold, including by operation of law, without the approval of the city manager. Any succeeding nonresidential user shall agree to comply with the terms and conditions of the existing permit as a condition precedent to the approval by the city manager of a transfer, sale or assignment of the permit. (Ord. 579 §4.1.6, 1991)

13.16.180 Analysis and reporting requirements. A. Permit holders will be required to submit information, certifications, compliance schedules and samples of discharge or perform such tests and report such test results to the city manager as follows:

- 1. When required by the terms and provisions of 40 CFR 403.12, as amended through the effective date of the ordinance codified in this chapter;
- 2. As required by the discharge permit;
- 3. When requested by state or local public agencies; or

4. When deemed necessary by the city manager for the proper treatment, analysis or control of discharges.

B. All such tests and reports shall be at the cost of the permit holder.

C. The city shall have the right to implement and enforce the requirements of 40 CFR 403.12 by order of the city manager. When deemed necessary by the city manager, a permit holder may be required, at the permit holder's cost, to obtain, install, operate and maintain an automatic sampler, analyzer or flow measuring device to monitor its discharges in the manner directed by the city.

D. All sampling and analysis shall be done in a manner and by a laboratory previously approved by the city manager. The city manager shall require all analysis to be performed in accordance with the procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR 136 or other applicable analytical procedures approved by the EPA.

E. To the degree practicable, the city manager will provide each permit holder or applicant with information on applicable local, state and federal wastewater analysis and reporting requirements; provided, however, that any failure to do so shall not excuse the permit holder from compliance with said requirements. (Ord. 579 §4.2, 1991)

13.16.190 Monitoring facilities. When required by the city manager, a permit holder shall install and maintain, at its expense, a suitable control manhole to facilitate observation, sampling, and measurement of wastewater being discharged into the city sewerage system. Such manhole shall be located, if feasible, where it is accessible from a public road or street. It shall be constructed in accordance with plans and at a location approved by the city manager and shall be arranged so that flow measuring and sampling equipment and a shutoff gate or a screen may be conveniently installed by the city. (Ord. 579 §4.3, 1991)

13.16.200 Inspection and sampling. A. Right of Access. The city shall have the right to inspect the facilities of any nonresidential user subject to Section 13.16.120 as necessary to determine compliance with pretreatment standards. The owner, operator or agent in charge of premises where wastewater is created or discharged shall allow authorized representatives of the city, state and EPA, upon presentation of their credentials, access at all reasonable times to all parts of the premises for the purpose of the performance of any of their duties, including but not limited to, inspection, observation, sampling, and/or records copying and examination. The city, state and EPA shall have the right to set up on the nonresidential user's property such devices as may be necessary or proper to conduct sampling, observation, inspection, compliance monitoring and/or metering operations.

B. City Inspections. The city will conduct at least one inspection of pretreatment facilities each year and will perform at least two independent samplings (tests) of the discharge each year. (Ord. 579 §4.4, 1991)

13.16.210 Pretreatment facilities. A. As a condition of the granting of a wastewater discharge permit, the permit holder may be required to install pretreatment facilities or make plant or process modifications as deemed necessary by the city manager to meet the requirements of this chapter.

B. Whenever such facilities or modifications are required, they shall be constructed, installed, operated and maintained at the expense of the permit holder and in a manner and within the time prescribed by the city manager. The permit holder shall maintain records indicating routine maintenance check dates, cleaning and waste removal dates and means of disposal of accumulated wastes. Such records shall be retained for a minimum of three years and shall be subject to review in accordance with Section 13.16.200. Approval of proposed facilities or modifications by the city manager will not in any way guarantee that these facilities or modifications will function in the required manner or attain the required results, nor shall it relieve a permit holder of the responsibility of enlarging or otherwise modifying or replacing such facilities to accomplish the intended purpose and to meet the applicable standards, limitations and conditions of a wastewater discharge permit.

C. The nonresidential user may contract with the city, contract with outside operators or hire personnel to operate and maintain the pretreatment facility. (Ord. 579 §4.5, 1991)

13.16.220 Confidential information. A. Information and data obtained by the city for reports, questionnaires, permit applications, permits and monitoring programs shall be available to the public and other governmental agencies without restriction unless the permit holder requests in writing that it be confidential and demonstrates to the satisfaction of the city manager that such records are exempt from disclosure under ORS 192.500. Notwithstanding anything herein to the contrary, all such data shall be available to the city manager at least to the extent necessary so that the city manager can ensure compliance with the requirements of 40 CFR 2.302, and to state and federal agencies as required during judicial or enforcement proceedings involving the nonresidential user.

B. When confidentiality is requested and the right thereto is established by the permit holder, the confidential information shall not be made available for inspection by the public but may be made available upon written request to governmental agencies for uses related to this chapter, the waste discharge permit, or pretreatment programs. However, all portions of a report shall be available for use by the city, state or any state agency in judicial or enforcement proceedings involving the person furnishing the report. (Ord. 579 §4.6, 1991)

## ARTICLE IV. ENFORCEMENT

13.16.225 Right of Entry: Inspection and Sampling. The city manager or designee shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of Chapter 13.16 and any wastewater discharge permit or issued hereunder. Users shall allow representative ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties. (Ord. 879, 2019)

13.16.230 Public nuisance. Any discharge in violation of this chapter, the conditions of the wastewater discharge permit, or any other violation of this chapter is declared to be a public nuisance. Such nuisance may be abated or enjoined and damages assessed in accordance with other provisions in the city code or in any other manner provided by law. (Ord. 579 §5.1, 1991)

13.16.240 Cease and desist order. A. In the event of any actual or threatened discharge into the city sewerage system in violation of this chapter or the conditions of a wastewater discharge permit, which discharge presents an imminent or existing danger to the health or welfare of persons, property or the environment or which has caused or will cause damage to or interference with the operation of the city sewerage system, the city manager may issue an order to cease and desist and direct that those nonresidential users responsible for such violation:

1. Comply forthwith;
2. Comply in accordance with the time schedule set forth by the city manager; and
3. Take appropriate remedial or preventive action.

B. If the nonresidential user in noncompliance fails to comply with the order, the city shall take such steps as are deemed necessary or proper including immediate severance of the sewer connection. The city shall reinstate the wastewater treatment service upon proof of the elimination of the actual or threatened violation. The filing of an appeal pursuant to Article V shall not stay enforcement by the city manager. (Ord. 579 §5.2, 1991)

13.16.250 Submission of time schedule. If the city manager finds that a discharge has taken or is likely to take place in violation of this chapter or the conditions of a wastewater discharge permit, the city manager may require the nonresidential user to submit for approval, within such time and with such modifications as the city manager deems necessary, a detailed time schedule or specific actions which the nonresidential user shall take in order to prevent or correct the violation. (Ord. 579 §5.3, 1991)

13.16.260 Revoking a permit and terminating service. A. Any nonresidential user who violates any of the provisions of Articles II or III of this chapter or the conditions of its wastewater discharge permit may have its wastewater discharge permit revoked and sewer connection severed by order of the city manager.

13.16.260--13.16.300

B. The order shall be signed by the city manager and shall specify the nature and source of the violations. The order shall be delivered or sent by regular mail to the address of the nonresidential user as shown on the permit. The order may specify the corrective actions to be taken and shall allow reasonable time for satisfactory correction. If the permit holder does not correct the violation within the time specified, or such additional time as may be allowed in writing by the city manager, then the wastewater discharge permit shall be revoked and the sewer connection severed as provided in the order.

C. The filing of an appeal pursuant to Article V shall not stay enforcement of the action by the city manager under this subsection. (Ord. 579 §5.4, 1991)

13.16.270 Public notification of violations. The city will publish in a newspaper of general circulation in the metropolitan area, not less than annually, a list of those nonresidential users which during the previous twelve months, were determined to be in violation of their discharge permits. Such notification will summarize enforcement action by the city during the same twelve months. (Ord. 579 §5.5, 1991)

13.16.280 Implementation. The city manager is authorized and directed to promulgate such rules and regulations as may be deemed necessary or proper to carry out the purposes or provisions of this chapter. Nothing in this chapter shall prevent the city manager from seeking judicial or governmental agency assistance to implement the purposes and provisions of this chapter. (Ord. 579 §5.6, 1991)

#### ARTICLE V. APPEALS

13.16.290 Reconsideration. Any person aggrieved by any decision or action of the city manager may file a written request with the city manager for reconsideration. The request is due within ten days of such decision or action. The notice of appeal shall be on a form provided by the city manager and shall set forth in reasonable detail the decision or action being appealed and the facts and arguments supporting the appellant's request for reconsideration. The city manager shall render a final written determination within ten days of the receipt of such request for reconsideration. The city manager may establish such procedures as may be deemed necessary or proper to conduct the reconsideration process. The filing of a request for reconsideration shall be a condition precedent to the right to appeal to the city pursuant to Section 13.16.300. (Ord. 579 §6.1, 1991)

13.16.300 Appeals to the city. A. Any person aggrieved by the final determination of the city manager may appeal such determination to the city council within ten days of notification by the city manager of the final determination. The notice of appeal shall be on a form provided by the city and shall set forth in reasonable detail the decision or action being appealed and the facts and arguments supporting the appellant's request for reversal or modification of the city manager's determination. Appeals to the city council must be accompanied by an appropriate fee in order to be considered as set out in the fee schedule.

B. A hearing shall be conducted in the appeal according to procedures to be established by the city council. The city manager shall submit proposed findings and recommendations regarding the appeal to the city council at least ten days before the hearing. The city council shall hold a hearing on the recommendations and, in any event, shall take action on the recommendations within twenty days after their filing. (Ord. 579 §6.2, 1991)

#### ARTICLE VI. COLLECTION OF COSTS AND PENALTIES

13.16.310 Damage to sewerage system--Liability. Any person who violates this chapter or a condition of a wastewater discharge permit, as a result of which the city performs or causes to be performed preventive or corrective work or which results in damage to the city sewerage system, shall be liable to the city for such damage and the cost of such corrective work, additional treatment and for any penalties, including withholding of any grant money levied against the city for violation of state or federal permits resulting from said violation. The city may collect such charges, including reasonable attorney's fees and costs incurred in collection, in the manner provided in the city code for the collection of sewer user charges, in accordance with any other provisions of the code, or in any other manner provided by law. (Ord. 579 §7.1, 1991)

13.16.320 Violation--Penalty. A. Civil penalties. Any person who violates any provision of this chapter or any provision of a wastewater discharge permit shall be liable civilly to the city in a sum not to exceed five hundred dollars for each day in which such violation occurs or continues.

B. Criminal penalties. Any person who knowingly (1) violates this chapter or any provision of a wastewater discharge permit; or (2) makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or a wastewater discharge permit or who knowingly falsifies, tampers with or renders inaccurate any monitoring device or method required under this chapter or a wastewater discharge permit, shall, upon conviction, be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one hundred days, or by both.

C. Remedies. The remedies provided for in this section shall be cumulative and not exclusive and shall be in addition to any and all other remedies available to the city. (Ord. 579 §§7.2--7.4, 1991)  
(Scappoose 8/99)