

## ORDINANCE NO. 470

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM(S); AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF IN THE CITY OF COLUMBIA CITY, COLUMBIA COUNTY, OREGON.

CITY OF COLUMBIA CITY ordained as follows:

SECTION 1. DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of the terms used in this ordinance shall be as follows:

1. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees centigrade expressed in terms of weight and concentration [measurement units are milligrams per liter (mg/l)].
2. Building Drain. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the "building sewer" which begins five feet outside the inner face of the building wall.
3. Building Sewer. The exterior extension from the "building drain" which starts five feet from a building and extends to the public sewer or other place of disposal.
4. CFR, OAR and ORS. Code of Federal Regulation, Oregon Administrative Rules and Oregon Revised Statutes.
5. Cooling Water. The water discharged from any use (such as air conditioning, cooling or refrigeration) to which the only pollutant added is heat.
6. Garbage. Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce or product.
7. Industrial Waste. The liquid carried or suspended wastes from industrial manufacturing processes, trade, or business as distinct from domestic or residential sanitary sewage.
8. Infiltration. That water other than sewage which enters the sewer system from the surrounding soil, typically from broken piping or defective joints in piping and manhole walls/bases.
9. Inflow. Water from storm water runoff which directly enters the sewerage system only during or immediately after rainfall. Typical points of entry include connections with roof, yard, garage floor and low area drains, storm drain connections from catch basins, and holes in manhole covers in flooded streets.
10. Interference. A discharge which, alone or in conjunction with a discharge or discharges from other sources, which may both:

(a) Inhibits or disrupts the municipal wastewater collection system, its wastewater treatment processes or operations, or its sludge processes, use or disposal; and

(b) Therefore is a cause of a violation of any requirement of the NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA) [including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA)]; and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA]; the Federal Clean Air Act; the Federal Toxic Substances Control Act; and the Marine Protection Research and Sanctuaries Act.

(c) These statutory provisions, regulations and/or permits are available for review at the State Department of Environmental Quality at the City of St. Helens.

11. Main Sewer. The principal sewer to which branch sewers and submains sewers are tributary, also called trunk sewers.

12. Natural Outlet. Any treated or untreated sewage outlet into a surface watercourse, pond, ditch, lake, river, stream or other natural body of surface water or groundwater.

13. NPDES & WPCF. National Pollutant Discharge Elimination System (off-site "Natural Outlet" discharges) and Water Pollution Control Federation Permit (no discharge allowed from site).

14. Outfall Sewer. A sewer that receives wastewater from either a collection system or a wastewater treatment plant and carries or transports it to a point of final discharge.

15. Pass Through. A discharge which exits the treatment plant effluent into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of the City's (City of St. Helens) NPDES permit (including an increase in the magnitude or duration of a violation).

16. Person. Any individual, firm, company, association, society, corporation, group, or any other legal entity, including all Federal, State, County, City or local governmental entities.

17. pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution at a given temperature.

18. POTW & Public Owned Sewers. Public Owned Treatment Works (POTW) & a sewer in which all owners of abutting properties have equal rights and which is controlled and owned by the City. Public Sewer includes interceptor tanks.

19. Properly Shredded Garbage. The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a fine degree that all food particles will be carried freely under the flow conditions normally prevailing in public sewers, building drains and building sewers with no particles greater in size than one-half (1/2) inch in any dimension.

20. Sanitary Sewer. A sewer which carries sewage and to which storm, surface and groundwater are not intentionally admitted.

21. Septic & Interceptor Tanks. Septic tanks contain organic and inorganic matter and discharge clarified effluent only for disposal in Leach drainfields. Interceptor tanks are part of the Public Sewers and are septic tanks which discharge effluent by gravity flow or by pumping to a municipal wastewater treatment plant for disposal.

22. Sewage. A combination of water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm water as may be present. The term "sewage" means wastewater.

23. Sewer. A watertight pipe or conduit for carrying/transporting sewage from the point of collection to the treatment facility.

24. Shall is mandatory requirement by the City of Columbia City. May is permissive, and will be determined when required, by the Superintendent for the City of Columbia City.

25. Small Diameter Sewers. Sewers that transport effluent only from interceptor tanks to the municipal treatment plant.

26. Slug. Any pollutant (including BOD) released in a non-routine, episodic, or non-customary batch discharge at a flow rate or concentration which has the potential to cause a violation of the specific discharge prohibitions in SECTION 5 - BUILDING SEWERS AND CONNECTIONS of this user ordinance.

27. Storm Sewer. (sometimes termed Storm Drain). A sewer designed to carry only storm water, surface run-off water, area drains, yard drains, roof drains, street wash waters and drainage.

28. Superintendent. Either the Superintendent of Sewage Works for the City of St. Helens or in the City of Columbia City, the Superintendent of Public Works.

29. Suspended Solids. Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

30. Treatment Plant. Any arrangement of mechanical devices, wastewater treatment processes and structures used for treating sewage to NPDES permit standards of quality.

31. Treatment Works. All facilities for collecting, pumping, treating, and disposing of sewage. "Treatment System or Facility" shall be an equivalent term for "Treatment Works."

32. User. Any person who contributes, or causes or allows the contribution of sewage or industrial wastewater into the municipal treatment

works, including persons who contribute such wastes from mobile or temporary sewage sources.

33. Watercourse. A surface channel in which a flow of water occurs, either continuously or intermittently such as a swale, stream, creek or river or a man made course such as a ditch.

## SECTION 2. USE OF PUBLIC SEWERS REQUIRED.

2.1 Unlawful Disposal. It shall be unlawful for any person to place, deposit, or permit to be deposited or discharged in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste material.

2.2 Unlawful Discharge. It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of the City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

2.3 On-site Disposal Restriction. Except as provided in Section 3, it shall be unlawful to construct, maintain or use any privy, privy vault, or a septic tank that is not approved by DEQ, or cesspools or other facility intended or used for the treatment and disposal of sewage.

2.4 Use of Public Sewer Required. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, easement or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of the City, is required at his/her expense to install suitable toilet facilities. Connection shall be made directly with the proper public sewer in accordance with the provisions of this ordinance within ninety days after date of official notice by the City to do so, provided that said public sewer is located within one hundred feet from one of the property corners of the building parcel.

2.5 Responsibility for Public & Private Sewers. Except as stated in this ordinance, the City shall control, maintain and be responsible for all public sewers within the streets, alley right-of-ways, and on easements, and such control, maintenance and responsibility shall be exercised pursuant to the general rules and regulations of the City.

a. Building sewers with septic tanks: All portions of the sewers on private property from the structure's building drain up to the interceptor/septic tank cleanout shall be maintained by the owner of the property. The City shall maintain building sewers whenever those sewers are installed, as required by the City, across adjacent private parcels. The City shall maintain the interceptor/septic tank cleanout, the tank, and the service lateral to the main.

b. Direct flow building sewers: All portions of the sewers on private property from the structure's building drain up to the City's main sewer line shall be maintained by the owners of the property.

c. Pumps, electrical control panels, pressure piping: All maintenance responsibility for interceptor tank effluent pump chambers, grinder pumps, and electrical control panels, along with the pump discharge pressure piping (small diameter force mains) shall be as follows:

(i) Pre-existing or installed as part of the City-wide sewer project: If in existence during, or installed as a part of, the construction of the City-wide sewer system project (1992), they shall be maintained by the City.

(ii) Located on building side of the tank cleanout: If located on the building side of the tank cleanout and installed after the completion of the City-wide sewer system project, they shall be maintained by the owner of the property.

(iii) Located beyond the tank cleanout: If located between the tank cleanout and the City's sewer main, they shall be maintained by the City.

(iv) Located on a direct flow building sewer line: If located on a direct flow line and installed after the completion of the City-wide sewer system project, they shall be maintained by the owner of the property.

(v) Electricity costs: In all cases the electricity costs associated with pumping shall be the responsibility of the owner of the property.

[Amended by Ordinance No. 04-594-O 5/6/04.]

d. City disclaimer of responsibility and liability in the absence of an easement: In the event the City is unable to obtain a valid utility easement to service City owned facilities upon private property, the City may disclaim all responsibility and liability related to the maintenance and servicing of the sewer facilities located upon private property. The manner for disclaiming responsibility shall be prescribed by the Council by separate Resolution.

2.6 Notice to Connect. The official notice to connect to the public sewer system shall be given by the City by mailing a "Notice to Connect" to each owner of property presently not connected to the public sewer that is abutting a street, alley, public right-of-way, or easement in which there is a public sanitary sewer, or to which public sewer service is otherwise reasonably available within 100 feet, to connect within 90 days from the date of the mailing of the Notice.

2.7 Objections to Connect. In the event that the property owner believes making a sewer connection is presently impractical because of a physical condition such as grade or lack of access, the owner or the person lawfully in possession of the property may, during the period of 90 days, file written objections with the City stating the reason the owner believes connection should not be required at that time. The City shall not enforce the provisions of

this ordinance after the filing of such objections until the City has heard the objections and rendered a decision as to the connection.

2.8 Hearing on Objections. An objection shall be heard by the City Council not less than 10 days nor more than 60 days from and after the date of filing the objection with the City. Not less than seven days prior to the date set by the City Council for hearing the objection, the City Recorder shall give notice of the date set for the hearing. The Council shall make a final decision, and no exemption shall be granted based on mere inconvenience or expense. For good cause shown, the Council may permit a reasonable delay in making the required connection to the public sanitary sewer without assessing a penalty to the property owner requesting the delay.

### SECTION 3. PRIVATE SEWAGE DISPOSAL.

#### Applications

3.1 Permit Required. Before commencement of construction of a private sewage disposal system, the property owner shall first obtain a written permit from the Oregon Department of Environmental Quality (DEQ) or its authorized agent such as the County Sanitarian or City Superintendent of Public Works.

3.2 Grant Easements. The owner or legal representative of the property to be served, shall grant the required easement that will allow the installation and maintenance of the public sewer system that will be located on private property.

3.3 Payment of Fees. The owner or legal representative of the property to be served, shall make arrangement to pay all fees and costs as determined by rate schedules, prior to the construction of the public sewer system on that property.

3.4 Private Sewage Disposal. Where a public sanitary sewer is not available under the provisions of Section 2, the building sewer shall be temporarily connected to a private sewage disposal system complying with the provisions of this section and Oregon Administrative Rules (OAR) 340-71 and OAR 340-73.

3.5 Connection Required. At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Section 2, a direct connection shall be made to the public sewer as required by this ordinance, and any cesspools, leachfields and similar private sewage disposal facility shall be abandoned in accordance with State Laws at no expense to the City if the connection is made after the initial City wide sewerage system construction is completed. At a minimum, abandonment consists of pumping all the tank contents, crushing in the top and filling the tank with sand, gravel or reject rock. Non-DEQ approved septic tanks will be replaced with the approved type at no expense to the City except during the initial City wide construction project.

Requirements.

3.6 Maintenance. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the City in regard to repair, replacement, pumping of septage & cleaning or other necessary items.

3.7 Temporary Use of Privies. Temporary use of portable privies may be authorized by the Superintendent where found necessary to serve workers on a construction project or to otherwise serve a short-term or emergency need. Portable facilities shall be provided and maintained by a licensed disposal firm.

3.8 Additional Requirements. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by DEQ, USEPA or the City.

SECTION 4. HAULED WASTEWATER DISPOSAL.

4.1 Septage Disposal. Septic tank waste (septage) shall not be received into the municipal collection system, but only in authorized regional wastewater treatment plants authorized by the nearest regional office of the Department of Environmental Quality (DEQ). Authorization from DEQ requires a properly-designed receiving structure and treatment capacity.

4.2 Septage Tank Waste Treatment. Septic tank waste (septage) will be accepted only into the authorized municipal treatment works at a designated receiving structure within the treatment plant service area, and at such times as are established by that plant's Superintendent, provided such wastes do not contain toxic or hazardous pollutants, and provided such discharge does not violate any other requirements established by that plant's operator. Permits for individual disposal vehicles to use such facilities shall be issued by the Superintendent of the receiving wastewater treatment plant. The City of Columbia City cannot accept any septage from septic tanks into their wastewater collection system.

a. All wastes haulers, regardless of the origin of the hauled wastes, shall be considered "industrial users" for the purposes of this ordinance.

b. The discharge of industrial wastes as "industrial septage" requires prior approval and wastewater permit from the City. The Superintendent shall have authority to prohibit the disposal of such wastes, if such disposal would interfere with the treatment plant operation.

c. Fees for the discharge of septage will be established as part of the user charge system.

SECTION 5. BUILDING SEWERS AND CONNECTIONS.

5.1 Connection Permit Required. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance without first obtaining a written permit from the Superintendent.

5.2 Connection Permits. There shall be two classes of building sewer connection permits:

- (a) for residential and small commercial services and
- (b) for service to establishments producing industrial wastes.

In either case, the owner or owner's agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. Industrial users shall project the estimated flow volumes, number of workers served, type of process water and strengths involved. Water reuse is recommended if possible and pre-treatment of wastewater may be required to reduce strength concentrations to not more than twice the typical residential waste loading level. A permit and inspection fee (which will be set by resolution) shall be paid to the City at the time the application is filed together with the required System Development Connection Charge.

5.3 Responsibility of Costs. All costs and expenses incident to the installation of the building sewer from the septic tank cleanout to the building drain after the initial construction project, shall be borne by the property owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation.

5.4 Separate Connections Required. A separate and independent building sewer shall be provided for every building. However, where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer if located on the same parcel.

5.5 Use of Existing Building Sewers. Old building sewers should normally be replaced at the time of connection to public sewers. Alternatively, a cleanout should be installed within five feet of the building foundation and the old building sewer if reused, must be tested by low pressure air or hydrostatic pressure to demonstrate the watertightness of this pipeline. Old building sewers may be used in connection with new buildings only when they are found, on examination and testing witnessed by the Superintendent, to meet all of the requirements of this sewer user ordinance for watertightness.

5.6 Construction Standards. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to all the requirements of both the Building Code and Plumbing Code and other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for the Testing and Materials (ASTM) and/or the Water Pollution Control Federation (WPCF), Manual of Practice No. 9 shall apply.

5.7 Elevation of Building Sewer. The building sewer shall be brought to the building at an elevation below the basement floor whenever possible. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. Cost incurred in pumping to the Public Sewer System after the initial City wide sewer system construction project, will be borne by the property owner.

5.8 Illegal Sewer Connections. No person shall make or permit the connection of roof downspouts, exterior foundation drains, area way drains, or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sewer.

5.9 Public Sewer Connections. The connection of the building sewer into the public sewer shall conform to the requirements of the Uniform Building Code (UBC) and Plumbing Code (Oregon) or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight, and shall be pressure-leak tested as required by the City in the presence of the Superintendent. Any deviation from the prescribed procedures and materials shall be approved in writing by the Superintendent before installation can begin.

5.10 Inspection. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and is ready for connection to the public sewer. The connection shall be made under the direct supervision of the Superintendent or of an authorized representative. The tank shall be tested for watertightness before acceptance.

5.11 Barricades. All excavations for building sewer installations shall be either adequately backfilled each night or covered and guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, bike paths, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

## SECTION 6. USE OF THE PUBLIC SEWERS.

6.1 Prohibited Discharges. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause interference or "pass through," see definition on Pg. 2 (15). No sewage/wastewater not first treated through an interceptor tank shall be accepted unless authorized in writing by the Superintendent. These general prohibitions apply to all users of the municipal treatment system whether or not the user is subject to categorical pre-treatment standards or any other National, State or local pre-treatment standards or requirements. Furthermore, no user may contribute the following substances to the public wastewater collection and treatment system unless approved by the Superintendent:

- a. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient, either alone or by interaction with

other substances, to cause fire or explosion or be injurious in any other way to the municipal treatment system. Included in this prohibition are waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit using the test methods prescribed in 40 CFR 261.21, such as gasoline, benzene, naphtha, fuel oil, motor oil or other flammable or explosive liquids, volatile solids or gases.

b. Solid or viscous substances in amounts which will cause interference with the flow in a sewer but in no case solids greater than one half inch (1/2") in any dimension. Such items include, but are not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, blood, and paper products whole or ground by garbage grinders.

c. Any fat, oils or greases (FOG), including but not limited to petroleum oil, non-biodegradable cutting oil, waxes, or products of mineral oil origin, in amounts that will cause interference or pass through. Prohibited are substances which may solidify or become viscous at temperatures between 30 and 150 degrees Fahrenheit.

d. Any wastewater having a pH less than 5.5 or more than 10.0, or which may otherwise cause corrosive structural damage to the system, City Personnel or equipment.

e. Any wastewater containing pollutants in sufficient quantity (flow or concentration), either singly or by interaction with the municipal treatment system, any wastewater treatment or sludge process, or constitute a hazard to either humans or animals.

f. Any noxious or malodorous liquids, gases, or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent the safe entry into the sewers by City staff for maintenance and repair. This also includes dissolved hydrogen sulfide concentrations exceeding 0.1 mg/l.

g. Any substance which may cause the treatment plant effluent or any other residues, sludges or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the system cause the City to be in noncompliance with sludge use or disposal regulations or permits issued under Section 405 of the Federal Clean Water Act, the Solid Waste Disposal Act, the Federal Clean Air Act, the Toxic Substances Control Act, or other State requirements applicable to the sludge use and disposal practices being used by the City of St. Helens.

h. Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plants effluent thereby violating the City's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent

to reduce the depth of compensation point for photosynthetic activity by more than ten percent from the seasonably established normal range for aquatic life within the outfall mixing zone.

i. Any wastewater having a temperature greater than 150 degrees Fahrenheit or in which biological activity in the treatment plant resulting in an interference, but in situation, wastewater which causes the influent stream temperature at the introduction or headworks into the treatment plant to exceed 104 degrees Fahrenheit.

j. Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the Superintendent which will be at levels that are in compliance with applicable State or Federal regulations.

k. Any pollutants which result in the presence of toxic gases, vapor or fumes within the system in a quantity that may cause worker health and safety problems.

l. Any trucked or hauled pollutants, except at discharge points designated by the City in accordance with Section 4 of this City of Columbia City Sewer User Ordinance.

m. Storm water, surface water, groundwater, artesian well water, roof runoff, roof downspouts, exterior foundation drains, areaway drains, subsurface drainage, swimming pool drainage, condensate, deionized water, cooling water and unpolluted industrial wastewater, unless specifically authorized by the Superintendent. (Note: Certain of these waters may require an NPDES permit from DEQ if discharged to either a storm sewer or natural outlet.)

n. Any sludges, screenings, solids, concentrates or other residues from the pre-treatment of industrial wastes.

o. Any medical wastes, except as specifically authorized by the Superintendent in a wastewater permit.

p. Any material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfere with the municipal treatment system.

q. Any wastewater causing the wastewater treatment plant effluent to demonstrate toxicity to test animal or plant species during a biomonitoring evaluation.

r. Recognizable portions of the human or animal anatomy.

s. Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the municipal wastewater treatment system facility.

t. Waters or wastes containing substances which are not amenable to treatment or reduction by the City of St. Helens sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet NPDES or

other requirements of other agencies having jurisdiction over discharge of plant effluent to the receiving waters.

u. Wastes prohibited by this section shall not be processed or stored in such a manner that these wastes could be discharged to the municipal wastewater treatment system.

6.2 Federal Categorical Industrial Pretreatment Standards. Industrial Users subject to categorical pretreatment standards are required to comply with applicable standards as set out in 40 CFR Chapter I, Subchapter N, Parts 405-471 which are incorporated by reference into this City sewer user ordinance.

6.3 State Requirements. All users are required to comply with applicable State of Oregon pretreatment standards and requirements set out in OAR Chapter 340. These standards and requirements are incorporated by reference into this sewer user ordinance.

6.4 Specific Pollutant Limitations. No residential or industrial user shall discharge or permit to be discharged, wastewater containing restricted substances into the municipal treatment system in excess of limitations specified in its Wastewater Discharge NPDES Permit or as published by the Superintendent. The Superintendent may publish and revise from time to time City standards for specific restricted substances or wastes.

6.5 Remedies for Discharge of Restricted Substance. If any wastewater is discharged or is proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated above and which in the judgment of the Superintendent may have a deleterious effect upon the treatment works, processes, equipment, or receiving waters, or which may otherwise create a hazard to life or constitute a public nuisance, the City Superintendent may:

- a. Reject the wastes,
- b. Require pretreatment to an acceptable condition for discharge to the public sewers,
- c. Require control over the quantities and rates of discharge, and/or
- d. Require additional monthly user payment to cover the added cost of handling and treating the wastes not covered by existing sewer charges.

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

6.6 Preliminary Treatment. Where preliminary treatment or flow-equalizing facilities are provided for any wastewater, these facilities shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

6.7 Interceptor Pretreatment. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for

the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients. However, such interceptors shall not be required for private residences. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located so as to be readily and easily accessible for cleaning by the owner and periodic inspection by the Superintendent. The Superintendent may set a mandatory cleaning timetable if not properly maintained by the owner or user of the property involved.

6.8 Control or Sampling Manhole Required. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control/sampling manhole, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. The manhole, when required, shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at the owner's expense and shall be maintained by the owner so to be safe and accessible at all times by the Superintendent or City Staff.

6.9 Statement of Waste Discharged. The owner shall submit monthly to the Superintendent, a certified statement of the quantities of the industrial waste discharged to the sewage works or collection system. The total quantities of industrial waste to be measured and certified by the owner shall be (1.) Liquid volume in gallons, (1.) Five-day BOD in pounds and (3.) The amount of Suspended solids in pounds on a dry solid basis.

6.10 Samples & Testing. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with 40 CFR Part 136 or, if 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, in accordance with procedures approved by the Environmental Protection Agency (EPA), DEQ and the City.

Except as indicated otherwise in this ordinance, wastewater samples collected for purposes of determining compliance with standards and requirements of this ordinance, must be obtained using flow proportional composite collection techniques. In the event that flow proportional sampling is not feasible as determined by the Superintendent, the Superintendent may authorize the use of time proportional or grab sampling.

Samples for fats, oil and grease (FOG), temperature, pH, cyanide, phenols, sulfides, and volatile organic chemicals must be obtained by using grab collection techniques.

6.11 City Allowed Exceptions. No statement contained in this Article shall be construed to prohibit an agreement between the City and any person whereby a discharge of unusual strength or character may be accepted by the City for treatment. Such an agreement may be made when, in the opinion of the Superintendent, special circumstances justify such agreement, provided that no

interference or “pass through” results from the discharge and no additional costs are incurred by the City without recompense by the person. Federal and State pretreatment standards and requirements shall not be waived by any special agreement of the parties.

#### SECTION 7. INFILTRATION AND INFLOW (I/I).

7.1 Identification of I/I. All property owners identified by the Superintendent as contributors to excessive or improper infiltration or inflow into the treatment works shall be advised of their infiltration and inflow problems in writing.

7.2 I/I Correction Period. All such situation properties shall be provided a 60-day grace period in which to correct the infiltration and inflow problems as identified by the Superintendent, said grace period to extend from the date of the mailing of the written notification of an I/I problem.

7.3 Corrective Actions. By the end of the 60-day grace period, each property owner shall notify the City that corrective actions have been taken or are in progress, which actions shall be specified in the written notification to the City.

7.4 Failure to Make Corrections. A property owner failing to notify the City of corrective actions prior to the end of the 60-day grace period, shall be subject to termination of service, without further notice, and water service, if provided by the City, shall be immediately discontinued and shut off until the violation shall have been corrected in accordance with all Federal, State and City regulations.

7.5 City Correct I/I Problems. In the event any instance of excessive or improper infiltration or inflow into the treatment works of the City shall continue beyond the 60-day grace period, it is hereby declared that such continuing infiltration or inflow is a public nuisance, that the City shall have the right to enter the property on the easement and abate such public nuisance, and to enter upon any private property within the City for such purpose. The City shall assess the cost of such abatement as a lien against the property upon or from which infiltration and inflow occurs. Such assessment shall be levied by the filing of a statement of such costs together with the description of the property or properties to be assessed, together with the names of the owner(s) of the property thereof with the City Recorder, whereupon the City Recorder shall forthwith enter such assessment as a lien against such property in the City Lien Docket of the City of Columbia City.

#### SECTION 8. PROTECTION FROM DAMAGE.

8.1 Sewer System Protection. No unauthorized person shall maliciously or willfully break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works or system.

## SECTION 9. POWERS AND AUTHORITY OF INSPECTORS.

9.1 Industrial User Inspections. The City shall have the right to enter private property or the facilities of any industrial user to ascertain whether the purpose of this ordinance is being met and all requirements are being complied with fully. Industrial users shall allow the Superintendent or 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.

a. Where a user has security measures in force which require proper identification and clearance before entry into their premises, the industrial user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the City, County, State, and/or the Federal USEPA will be permitted to enter the facility, without delay, for the purposes of performing their specific responsibilities.

b. The City, State and USEPA shall have the right to set up or require installation of, on the industrial user's property, such devices as are necessary to conduct sampling, and/or metering of the user's operations.

c. The City may require the industrial user to install monitoring equipment, as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the industrial user at the industrial user's expense. All devices used to measure wastewater flow and quality shall be calibrated periodically to ensure their accuracy.

d. Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or verbal request of the Superintendent and shall not be replaced. The costs of clearing such access shall be borne by the industrial user.

e. Unreasonable delays in allowing the Superintendent or other City personnel direct access to the industrial user's premises shall be a violation of the Ordinance.

## SECTION 10. ENFORCEMENT.

10.1 Notice of Violation. Any person found to be in violation of this ordinance, or any permit or condition issued pursuant to this ordinance, may be served by the City with written notice stating the nature of the violation. This notification may contain additional requirements or conditions, including schedules of compliance, determined to be necessary by the City or Superintendent to correct the violation(s). This notice shall be in addition to, and in no way limit, any additional enforcement actions which the City deems necessary.

10.2 Suspension of Service. The City may suspend the wastewater treatment service and/or a wastewater permit when such suspension is necessary, in the opinion of the Superintendent, in order to stop an actual or threatened discharge which presents, or may present, an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the City to violate any condition of the St. Helens NPDES permit.

Any person notified of a suspension of the wastewater treatment service and/or the Wastewater Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the City may take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The City shall reinstate the wastewater treatment service upon proof of the elimination of the non-complying discharge to the collection system.

10.3 Liability and Legal Action. A person violating a provision of this ordinance shall become liable to the City for any expense, loss or damage occasioned the City by reason of such act. If any person discharges sewage, industrial wastes or other wastes into the City's wastewater disposal system contrary to the provisions of this ordinance, Federal or State Pretreatment Requirements, or any order of the City, the City of Columbia City may commence an action for appropriate legal and/or equitable relief in a Court of competent jurisdiction.

10.4 Civil Penalties. Any person who is found to have violated any provision of this ordinance, its wastewater discharge permit, or an order of the City shall be liable to the City for a civil penalty for each day of each violation. In addition to the penalties provided herein, the City may recover reasonable attorneys' fees, court costs, court reporter's fees, and other expenses of litigation by appropriate suit at law against the person or industry found to have violated this ordinance or the orders, rules, regulation and permits issued hereunder.

## SECTION 11. VALIDITY.

11.1 Conflicting Ordinance. All ordinances or parts of ordinances inconsistent or conflicting with any part of this sewer user ordinance are hereby repealed.

[11.2 Severability.]

## SECTION 12. CHARGES AND RATES.

12.1 System Development Charge: A Sanitary Sewer System Development Charge will be assessed for each connection to the wastewater collection and treatment system. The City Council shall establish Sanitary Sewer System Development Charges through the adoption of a separate resolution or ordinance.

12.2 Sewer Connection Fees: A Sewer Connect Fee shall be charged for each connection to the wastewater collection and treatment system. The City Council shall establish Sewer Connection Fees through the adoption of a separate resolution or ordinance.

12.3 Monthly Service Charge: Monthly sewer service charges shall apply to each connection to the wastewater collection and treatment system. Monthly sewer service charges shall be established by separate resolution of the City Council.

12.4 Billings and Payments: Monthly sewer service charges shall be billed with the water billings, and payment shall be made as provided by City Ordinance.

12.5 Sewer Service Deposits: At the time application for service is made, the applicant shall establish credit with the utility department. The credit of an applicant shall be established once the applicant makes a cash deposit equal to a minimum sewer bill for a two-month period with the utility department to secure payment of bills for service. The deposit will be applied to their account after one year of continuous service provided the customer has maintained good credit with the utility department or applied to the final bill if the customer vacates the property prior to one year. If the customer's account becomes delinquent prior to one year, the one year begins from the delinquency date. If the customer's account becomes delinquent after the deposit has been applied, the utility department may demand a new deposit to re-establish credit. The City shall not pay interest on any cash deposits as such interest is used to offset department operating expenses. When an applicant has prior sewer service history with the City, the City Administrator/Recorder may waive the deposit requirement if the applicant's most recent service history shows good credit was maintained in excess of one year. [Amended by Ordinance No. 02-579-OA 8/16/02 and Ordinance No. 02-580-O 8/15/02]

[Section 12 amended by Ordinance No. 02-577-O 4/5/02]

## SECTION 13. ORDINANCE IN FORCE.

13.1 Ordinance in Force. This ordinance shall be in force and effect from and after its passage, approval, recording, and publication as provided by law.

Passed by the council and approved by the mayor 4/2/92.