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Article 4.05

DEFINITIONS

Sections:

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4.05.010 **Definitions.**

In addition to the definitions set forth in GRC 1.05.010, as used in this chapter, sanitary sewer, sewer, and wastewater have the same meaning. Unless the context requires otherwise, for purposes of GRC Articles 4.05 to 4.60 the following mean:

Act. The Clean Water Act (33 U.S.C. 1251 et seq), as amended.

Actual Cost. Labor, materials, equipment, construction services, and administrative overhead.

Applicable Pretreatment Standards. Any federal, state, or city discharge prohibition or standard, whichever is the most stringent.

Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the limitations listed in GRC 4.45.010. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Biochemical Oxygen Demand (BOD). The quantity of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20 degrees Centigrade, expressed in milligrams per liter.

Building Drain. That part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of a building and conveys it to the building sewer beginning five feet outside the building wall.

Building Sewer. A private sanitary sewer beginning five feet outside the building and extending to the property line or public easement line, connecting to the building service lateral.

Building Service Lateral. A public sanitary sewer beginning at the property line or public easement line, and extending to the sanitary sewer main.

Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by the USEPA in accordance with Section 307(b) and (c) of the Act (33 USC 1317) which applies to a specific category of industrial users and which appears in 40 CFR Chapter I, Subchapter N, Parts 405-471, incorporated herein by reference.

Collector Sewer. The portion of the public sewerage system that is primarily installed to receive wastewater directly from individual residences and other individual public or private structures.

Combined Sewer. A sewer that is designed as both a sanitary and a stormwater sewer.

Customer/User. The owner, renter, or lessee of property served by the sanitary sewerage system.

Daily Maximum Limit. The maximum allowable discharge limit of a pollutant over the course of a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

Development. Any human-made change to improved or unimproved real property, including but not limited to construction, installation, or alteration of a building or other structure; condominium conversion; land division; establishment or termination of a right of access; storage on real property; tree cutting; drilling; and site alteration such as that due to land surface mining, dredging, grading, paving, excavation, or clearing.

Garbage. Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

Industrial User. Any user of the sanitary sewerage system who is the source of a nondomestic discharge.

Industrial Wastes. Solid, liquid, or gaseous waste resulting from any industrial, manufacturing, trade, or business process or from the development, recovery, or processing of natural resources.

Infiltration. The intrusion of groundwater into the sanitary sewerage system through defective pipes, pipe joints, connections, or manholes in the sanitary sewerage system or building sewers.

Inflow. A direct flow of water other than wastewater that enters the sanitary sewerage system or building sewers from such sources as, but not limited to: roof leaders; cellar, yard, area, and foundation drains; uncontaminated or non-contact cooling water discharges; drains from springs and swampy areas; manhole covers; cross connections from storm drains; catch basins; stormwaters; surface runoff; and street wash waters.

Interceptor (Trunk) Sewer. A sanitary sewer primarily intended to receive wastewater from a collector sewer, another interceptor sewer, an existing major discharge of raw or inadequately treated wastewater, or a water pollution control facility.

Interference. Discharge by an industrial user that, alone or in conjunction with discharges by other sources, inhibits or disrupts the wastewater treatment plant; its treatment processes or operations; or its sludge processes, use, or disposal; and

(1) causes a violation of any requirement of the NPDES permit including an increase in the magnitude or duration of a violation; or

(2) causes the sludge or sludge disposal to violate any of the following requirements:

(a) state or local regulations,

(b) permits, or

(c) the following statutory provisions and regulations or permits issued thereunder:

(i) Section 405 of the Clean Water Act,

(ii) the Solid Waste Disposal Act (SWDA), including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), or

(iii) state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA, the Clean Air Act, the Toxic Substance Control Act, and the Marine Protection, Research and Sanctuaries Act.

Land Area. The area of a parcel of land as measured by projection of the parcel boundaries upon a horizontal plane with the exception of a portion of the parcel within a recorded right-of-way or easement subject to a servitude for a public street or scenic or preservation purpose.

Milligram Per Liter (mg/L). A mass-to-volume ratio. The milligram per liter value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water. "Milligram per liter" shall be considered as equivalent to parts per million (ppm).

Multi-family. Any building, group or buildings, housing complex or manufactured home park that contains four or more dwelling units.

National Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by EPA under Section 307(b) and (c) of the Act applicable to industrial users, including the general and specific prohibitions found in 40 CFR 403.5.

Natural Waters. Any watercourse, stream, creek, pond, ditch, lake, or other body of surface water or groundwater that supports wildlife or serves as a source of drinking water for humans or animals, or any water that may be hydrologically connected to such waters.

New Source.

(1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act. The Pretreatment Standards will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

(a) the building, structure, facility or installation is constructed at a site at which no other source is located; or

(b) the building, structure, facility or installation completely replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) the production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (1)(b) and (1)(c) of this section but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(a) begun, or caused to begin as part of a continuous on-site construction program;

(i) any placement, assembly, or installation of facilities or equipment; or

(ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Nondomestic Discharge. The discharge or the introduction of pollutants into the sanitary sewerage system from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.

Non-Significant Industrial User. Any industrial user which provides a service or one connected with commerce which is not classified as a Significant Industrial User.

NPDES. National Pollutant Discharge Elimination System permit program of the U.S. Environmental Protection Agency.

O & M (Operation and Maintenance). Activities required to ensure the dependable and economical functioning of the sanitary sewerage system.

(1) Maintenance: The preservation of the functional integrity and efficiency of the sanitary sewerage system. This includes preventive maintenance, corrective maintenance, and the replacement of any portion of the sanitary sewerage system.

(2) Operation: The control of the unit processes and equipment that make up the sanitary sewerage system. This includes keeping financial and personal management records, laboratory control, process control, safety and emergency operation planning, employment of attorneys and consultants, payment of court costs, and payment of any costs or fees reasonably associated with any of the above.

Oils and Grease. Any oil and/or greases of mineral or petroleum origin.

Other Wastes. Decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals, and other substances except sewage and industrial wastes.

Parcel of Land. A lot, parcel, block, or other tract of land that is occupied or may be occupied by a structure or structures or other use, and that includes the yards and other open spaces required under the zoning, subdivision, or other development ordinance.

Pass Through. Discharge that exits the city's wastewater treatment plant into the waters of the United States in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's NPDES permit (including an increase in the magnitude or duration of a violation).

pH. The logarithm (base 10) of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Pollutant. Any substance discharged into the sanitary sewerage system, except water, including any items identified in a resolution adopted by council.

Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants properties in wastewater to a less harmful state prior to or instead of discharging or otherwise introducing the pollutants into the sanitary sewerage system.

Pretreatment Requirement. Any substantive or procedural requirements related to pretreatment, other than categorical standards and prohibitive discharge standards, imposed on an industrial user.

Private Wastewater Disposal System. A privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

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

Public Sanitary Sewer. Any sanitary sewer owned, operated and maintained by the public.

Renewal. Any application to validate an expired or voided permit.

Replacement. Obtaining and installing equipment accessories or appurtenances that are necessary during the design or useful life, whichever is longer, of the sanitary sewerage system to maintain the capacity and performance for which the system is designed and constructed.

Sanitary Sewer. A pipe or conduit for carrying sewage and industrial wastes.

Sanitary Sewer Connection. A connection of the building service lateral to the sewer main or a connection of the building sewer to the building service lateral.

Sanitary Sewer Connection Charges. All charges required for the right to connect to the sanitary sewerage system, including sanitary sewer inspection fees and system development charges.

Sanitary Sewer Main. A public sanitary sewer that collects all of the building service laterals and transmits wastewater.

Sanitary Sewerage System. All publicly owned facilities for collecting, pumping, treating, and disposing of wastewater.

Sewage. Water-carried wastes from residences, business buildings, institutions, and industrial establishments, except industrial wastes.

Significant Industrial User. Any Industrial User of the sanitary sewerage system who:

(1) Is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter 1, Subchapter N, except as provided in (1)(a) of this definition.

(a) The manager may determine that an Industrial User subject to categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter 1, Subchapter N, is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

(i) the Industrial User, prior to the manager's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

(ii) the Industrial User annually submits the certification statement required in 40 CFR 403.12(q) together with any additional information necessary to support the certification statement; and

(iii) the Industrial User never discharges any untreated concentrated wastewater.

(2) has a nondomestic flow of 25,000 gallons or more per average work day;

(3) contributes more than five percent of the average dry weather hydraulic, organic, or solids handling load to the sanitary sewerage system; or

(4) is determined by the manager to have a reasonable potential for adversely affecting the wastewater treatment facility's operation by either upset, inhibition, pass through of pollutants, sludge contamination, or other means, or for violating a pretreatment standard or requirement.

Significant Noncompliance (SNC).

(1) A Significant Industrial User is in significant noncompliance if its violation meets one or more of the following criteria:

(a) chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken during a 6 month period exceed (by any magnitude) numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(1);

(b) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements for each pollutant parameter taken during a six month period equal or exceed the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

(c) any other violation of a pretreatment Standard or Requirement as defined by 40 CFR 403.3(1) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the manager determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of sanitary sewerage system personnel or the general public);

(d) any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the manager's exercise of their emergency authority to halt or prevent such a discharge;

(e) failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) failure to accurately report noncompliance; or

(h) any other violation or group of violations, including a violation of Best Management Practices, that the manager determines will adversely affect the operation or implementation of its pretreatment program.

(2) An Industrial User is in significant noncompliance if its violation meets one or more of the following criteria:

(a) any other violation of a pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the manager determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of sanitary sewerage system personnel or the general public);

(b) any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the manager's exercise of their emergency authority to halt or prevent such a discharge; or

(c) any other violation or group of violations, including a violation of Best Management Practices, that the manager determines will adversely affect the operation or implementation of its pretreatment program.

Slug Discharge. Any discharge to the sanitary sewerage system of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass

Through, or in any other way violate the city's regulations, local limitations, or Permit conditions.

Storm Drain. A pipe or conduit which carries storm and surface waters, but excludes sewage and industrial wastes, other than unpolluted water.

Surcharge. The charge in addition to the user charge, which is charged to those customers whose wastes are greater in strength than the concentration values established by the city.

Suspended Solids. Solids that either float on the surface of or are suspended in wastewater which are removable by laboratory filtering.

Toxic Pollutants. Those pollutants, or combination of pollutants, including disease-causing agents, that after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the manager, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction), or physical deformations, in such organisms or their offspring. "Toxic pollutants" include those substances listed in the federal priority pollutant list and any other pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency pursuant to Section 307 of the Act (33 USC § 1317).

Unpolluted Water or Liquids. Any water or liquid containing none of the following: free or emulsified grease or oil; acids or alkalis; substances that may impart taste, odor, or color characteristics; toxic or poisonous substances in suspension, colloidal state, or solution; odorous or otherwise obnoxious gases. It shall contain not more than 1.0 milligrams per liter each of suspended solids or biochemical oxygen demand.

Upset. An exceptional incident in which a discharge unintentionally and temporarily is in a state of noncompliance with categorical Pretreatment Standards due to factors beyond the

reasonable control of the industrial user, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

User Charge. A charge paid by a customer of the sanitary sewerage system for the customer's proportionate share of the cost of operation and maintenance, including replacement, of the system.

Wastewater. Water carried wastes from residences, commercial buildings, industrial plants, and institutions. May include incidental quantities of ground, storm, and surface waters that are not admitted intentionally.

Wastewater Treatment Plant. The arrangement of devices and structures used for treating wastewater.

Watercourse. A channel in which a flow of water occurs, either continuously or intermittently.

(Ord. No. 1787, Amended, 11/01/2018; Ord. No. 1773, Amended, 07/01/2017; Ord. No. 1750, Amended, 05/07/2015; Ord. No. 1716, Amended, 05/31/2012; Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1647, Amended, 09/20/2007; Ord. No. 1602, Amended, 04/01/2005; Ord. No. 1561, Amended, 01/02/2003; Ord. No. 1534, Amended, 11/01/2001; Ord. No. 1507, Amended, 10/19/2000; Ord. No. 1412, Amended, 01/16/1997; Ord. No. 1411, Amended, 01/16/1997; Ord. No. 1379, Amended, 12/07/1995; Ord. No. 1333, Amended, 11/03/1994; Ord. No. 1307, Amended, 05/05/1994)

Article 4.10

SANITARY SEWER CONNECTION PERMITS

Sections:

- 4.10.010** Permit Required.
- 4.10.020** Permit Time Limitations.
- 4.10.030** Sanitary Sewer Connect Permit/Inspection Fee.
- 4.10.040** Sanitary Sewer Connection Charges.
- 4.10.050** Sanitary Sewer Connection Charge Liens.
- 4.10.060** Sanitary Sewer Connection Inspection.
- 4.10.070** Dye Test Inspection Fees.

4.10.010 Permit Required.

(1) No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sanitary sewer without first obtaining a sanitary sewer connection permit. Any work done prior to issuance of the permit shall require an additional charge as set by council. Payment of this additional charge does not excuse full compliance with all provisions of this chapter or other applicable regulations.

(2) There are two classes of sanitary sewer connection permits:

- (a) Permits for new connections.
- (b) Permits for increases in the discharge from an existing connection.

(3) Permit applications shall be made in a manner determined by the city and shall be made in writing by the owner or owner’s agent of the property for which connection to the sanitary sewerage system is requested. The permit application shall be supplemented by plans, specifications, agreements, or other information as required by the manager.

(4) A sanitary sewer connection permit is specific to the property for which it is issued and is not transferable to other property.

(5) Prior to obtaining a permit, the owner or owner’s agent shall first obtain any permits that may be required for street or highway opening and use.

(Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1561, Amended, 01/02/2003; Ord. No. 1534, Amended, 11/01/2001)

4.10.020 Permit Time Limitations.

(1) A sanitary sewer connection permit is valid for 90 calendar days from the date the permit is issued.

(2) Upon written request by the applicant, the manager may extend the permit for a period not exceeding an additional 180 calendar days.

(3) Sanitary sewer connection permits for existing buildings issued pursuant to the mandatory connection portion of GRC 4.15.010(1) shall be valid for 90 calendar days from the date the permit is issued or until the end of the mandatory connection period, whichever is later.

(4) A permit shall be considered issued when it is paid for and picked up.

(Ord. No. 1750, Amended, 05/07/2015; Ord. No. 1379, Amended, 12/07/1995)

4.10.030 Sanitary Sewer Connection Permit/Inspection Fee.

Owners applying for a sanitary sewer system connection permit shall pay to the city a sanitary sewer connection permit and inspection fee for the processing of the sanitary sewer connection permit application and the inspection of the connection to the public sewer by city personnel. The fee shall be set by council resolution.

4.10.040 Sanitary Sewer Connection Charges.

(1) Applicants for a sanitary sewer connection permit must pay to the city the sanitary sewer connection charges. These charges include the sanitary sewer connection permit fee and system development charges. The applicable sanitary sewer connection charges shall be those charges in effect at the time the applicant applies for a building permit. If the sanitary sewer

connection permit is not issued within 180 days of the date of the building permit application, the applicant shall pay the sanitary sewer connection charges in effect at the time the sanitary sewer connection permit is issued.

(a) If a property was connected to the sanitary sewerage system prior to January 1, 1980, the city will assume that all sanitary sewer connection charges were paid for the existing connection.

(b) The city will consider that a property was connected to the sanitary sewerage system prior to January 1, 1980, if the property is connected and if the buildings on the property were constructed and the sanitary sewer main was installed and available for connection prior to that date.

(2) If connection to the sanitary sewerage system is not made prior to the expiration of the sanitary sewer connection permit, the permit shall become invalid. To connect to the sanitary sewerage system the owner must apply for a new sanitary sewer connection permit and pay all sanitary sewer connection charges in effect at the time the new permit is issued.

(3) When a sanitary sewer connection permit becomes invalid, the manager may refund all of the sanitary sewer connection charges that were paid in cash except the sanitary sewer connection permit fees. If sanitary sewer connection charges were financed the city shall not refund. The manager shall calculate and retain the cost for any city work performed.

(4) Prior to the expiration of a sanitary sewer connection permit, the owner of the property benefited by the permit may request in writing that the sanitary sewer connection permit be invalidated. If the manager approves the request, the manager shall refund all of the sanitary sewer connection charges that were paid in cash except the sanitary sewer connection permit fees. The manager shall also calculate and retain the cost for any city work performed.

(Ord. No. 1787, Amended, 11/01/2018; Ord. No. 1534, Amended, 11/01/2001; Ord. No. 1379, Amended, 12/07/1995; Ord. No. 1333, Amended, 11/03/1994)

4.10.050 Sanitary Sewer Connection Charge Liens.

(1) Upon notice to a property owner to pay any sanitary sewer connection charges, or after expiration of the 12 month period identified in GRC 4.15.010(1) the manager shall enter in the docket of city liens a statement of the amounts charged against each lot, parcel of land, or portion of land, together with a description of the improvement, the name of the owners, and the date the charges were due. Upon entry in the city lien docket or recording in the Multnomah County Deed Records, the amount entered shall become a lien against the lots, parcels of land, or portions of land that have been charged for the improvement.

(2) All sanitary sewer connection charge liens of the city shall be superior and prior to all other liens or encumbrances on the property that are not granted a priority by state law. The city may foreclose on property to collect delinquent sanitary sewer connection charge liens. The sanitary sewer connection charge lien may be foreclosed in any manner provided by state law or city code.

(Ord. No. 1700, Amended, 03/03/2011)

4.10.060 Sanitary Sewer Connection Inspection.

An owner or owner's agent issued a sanitary sewer connection permit shall notify the manager one business day in advance when the sanitary sewer connection is ready for inspection. The connection shall be made under the supervision of the manager. Prior to trench backfill or use of the sanitary sewerage system, the city shall inspect and approve the sanitary sewer connection. Failure to comply with this section may require re-excavation by the owner or owner's agent to allow inspection and approval.

(Ord. No. 1750, Amended, 05/07/2015; Ord. No. 1534, Amended, 11/01 /2001)

4.10.070 Dye Test Inspection Fees.

The city may charge a fee for performing a dye test inspection. The city council shall set by resolution a fee for dye test inspection.

Article 4.15

CONNECTION TO SANITARY SEWERAGE SYSTEM REQUIRED

Sections:

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4.15.010 Connection to Sanitary Sewerage System.

(1) The owner of any building is required to connect the building sewer to the sanitary sewerage system in accordance with the provisions of this chapter. This obligation begins when the building generates waste discharge and is located on property where a public sanitary sewer is available as defined in subsection (2). The owner must connect within 12 months after the city notifies the owner to connect.

(2) A public sanitary sewer is available to a property if the building sewer located or to be constructed on the property can be connected to the sanitary sewerage system without an extension of the appropriate sanitary sewer main. The appropriate sanitary sewer main is the main which the property will likely connect to, as determined by the manager, when the property is fully developed for the uses and density allowed by the community development plan.

(3) No person shall discharge, or permit to be discharged, any wastewater onto public or private property.

(4) The manager shall develop a program to defer a property's obligation to connect based on the age, cost, location, and functioning of onsite septic systems.

(Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1616, Amended, 02/02/2006; Ord. No. 1358, Amended, 05/18/1995)

4.15.020 Extension of Public Sanitary Sewers.

(1) Before a property owner connects a building sewer to the sanitary sewerage system, the property owner shall construct his or her appropriate share of the public sanitary sewer to and through the property to provide for the logical continuation of the sanitary sewerage system.

(2) The manager may allow the property owner to defer construction of the public sanitary sewer if the property owner agrees in writing to pay the property's appropriate share of the cost of constructing that public sanitary sewer when the public sanitary sewer is constructed.

(3) The manager may allow the property owner to defer construction of the public sanitary sewer if the property owner pays the city the estimated amount of the property's appropriate share of the cost of constructing that public sanitary sewer when the public sanitary sewer is constructed. This option shall be at the discretion of the city.

4.15.040 Prohibited Connections.

No person shall connect any storm drain, stormwater system, stormwater facility or cooling water system to the sanitary sewerage system without permission of the manager.

(Ord. No. 1750, Amended, 05/07/2015; Ord. No. 1700, Amended, 03/03/2011)

4.15.050 Disconnection from Sanitary Sewerage System.

Property may be disconnected from the sanitary sewerage system only if the buildings on the property are demolished or otherwise unfit for habitation. The owner must obtain written approval from the city to disconnect from the sanitary sewerage system. After approval by the city and upon disconnection, the property will not be charged any additional user charges.

4.15.060 Application to City Service Area.

(1) GRC Articles 4.05 through 4.55, and GRC 4.60.010 shall apply to all areas within the

Gresham Sewerage Service Area and to all areas served by the city's sanitary sewerage system, even if such areas are not within city boundaries.

(2) Extraterritorial Connection.

(a) Connection to the sanitary sewerage system from property outside the city shall be allowed at the discretion of the city, and at the location and on such conditions as the manager finds appropriate for proper functioning and maintenance of the city sanitary sewerage system. No connection from property outside the city limits will be permitted that, in the opinion of the manager, may overload the sanitary sewerage system.

(b) A person connecting a property outside of the city to the city's sanitary sewerage system shall enter into an agreement with the city. The city may enter into an intergovernmental agreement to authorize the sanitary sewerage system of another jurisdiction to flow to the city.

(c) Extraterritorial connection to the sanitary sewerage system shall comply with all requirements of this chapter and Appendix 1.000 of the Gresham Community Development Code.

(3) Connection to Other Jurisdictions.

(a) The city may enter into an intergovernmental agreement with a jurisdiction that operates a sanitary sewer system to authorize sewerage from property inside the city to flow to that jurisdiction.

(b) Connection from property inside the city that ultimately flows to the sanitary sewerage system of another jurisdiction may be allowed at the discretion of the city. Connection shall be at the location and subject to such conditions as the manager finds appropriate for proper functioning and maintenance of the sanitary sewerage system of the city and the other jurisdiction. No such connection will be permitted if, in the opinion of the manager, the connection may not be in the best interest of the city.

(c) In addition to GRC Articles 4.05 through 4.55, and GRC 4.60.010, a property within the city with sewerage that flows to another jurisdiction shall comply with the requirements of any applicable intergovernmental agreement, which may require compliance with the pretreatment code of the other jurisdiction. In case of conflict between the requirements of the city and the other jurisdiction, the more stringent requirement shall apply.

(Ord. No. 1706, Amended, 10/06/2011; Ord. No. 1657, Amended, 09/20/2007; Ord. No. 1534, Amended, 11/01/2001)

Article 4.20

BUILDING SEWERS

Sections:

- 4.20.010** [City Indemnification.](#)
- 4.20.020** [Separate Services.](#)
- 4.20.030** [Old Building Sewers.](#)
- 4.20.040** [Lifting of Wastewater.](#)
- 4.20.050** [Maintenance Responsibility.](#)
- 4.20.060** [Building Sewer Standards.](#)

4.20.010 City Indemnification.

The owner shall pay all costs and expenses incident to the installation and connection of the building sewer. The owner shall indemnify the city from any losses or damages that may directly or indirectly result from the installation of the building sewer.

4.20.020 Separate Services.

(1) A separate and independent building sewer shall be provided for every building under separate ownership, except as provided in subsection (2) and (3).

(2) Condominiums, Planned Developments served by private streets, commercial, industrial, or Special Use complexes may be served by common building sewers provided the following are found by the manager:

- (a) The building sewer is constructed in accordance with all state and local plumbing regulations.
- (b) A need does not exist or will not exist in the future for a public sanitary sewer to extend to or past the property served by the building sewer.
- (c) The building sewer does not pass through more than two other properties.
- (d) There are easements and maintenance agreements executed between the property

owners that allow use of the land for the building sewer and that set forth maintenance and repair responsibility for the building sewer.

(3) Landlocked parcels may be served by a common building sewer where there is no practical alternative for sewer service other than a common building sewer and subsections (2)(a), (b), (c) and (d) are met.
(Ord. No. 1750, Amended, 05/07/2015)

4.20.030 Old Building Sewers.

Building sewers installed prior to January 1, 1967 may be used in connection with new buildings only when they are examined and tested by the manager and found to meet all requirements of this chapter and the Oregon State Plumbing Specialty Code. The owner shall pay for all testing required.
(Ord. No. 1307, Amended, 05/05/1994)

4.20.040 Lifting of Wastewater.

When possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the building sewer, wastewater carried by the building drain shall be lifted by an approved means and discharged to the building sewer.

4.20.050 Maintenance Responsibility.

Maintenance of the building sewer shall be the responsibility of the owner. Maintenance includes, but is not limited to, the removal of any blockage in the building sewer and the prevention of any unpolluted water from entering the sanitary sewerage system.

4.20.060 Building Sewer Standards.

In addition to compliance with this article and other city ordinances, construction of building sewers and related activities shall comply with the Oregon State Plumbing Specialty Code.

Article 4.35

PRIVATE WASTEWATER DISPOSAL

Sections:

- 4.35.010** [Prohibition on Use of Private Wastewater Disposal Systems.](#)
- 4.35.020** [Approval for Private Wastewater Disposal Systems.](#)
- 4.35.030** [Agreements.](#)
- 4.35.040** [Owner Responsibility.](#)

4.35.010 Prohibition on Use of Private Wastewater Disposal Systems.

No person shall construct, maintain, or use a private wastewater disposal system except as provided by this article and the Gresham Community Development Plan.
(Ord. No. 1700, Amended, 03/03/2011)

4.35.020 Approval for Private Wastewater Disposal Systems.

(1) Before construction or replacement of a private wastewater disposal system, the owner shall obtain land use approval required by the Gresham Community Development Code and the Department of Environmental Quality.

(2) The type, capacity, location, and layout of a private wastewater disposal system shall comply with the requirements of the Department of Environmental Quality.

(3) If a private wastewater disposal system is abandoned, it shall be abandoned in accordance with the requirements of the Department of Environmental Quality.
(Ord. No. 1647, Amended, 09/20/2007)

4.35.030 Agreements.

Any person who obtains approval to construct a private wastewater disposal system under the provisions of this article shall enter into such agreement as may be required by the manager.

4.35.040 Owner Responsibility.

The owner shall operate and maintain the private wastewater disposal system in accordance with the regulations of the Department of Environmental Quality.

Article 4.40

USE OF SANITARY SEWERAGE SYSTEM

Sections:

- 4.40.010** [Application for Service.](#)
- 4.40.020** [Discontinuance of Service.](#)
- 4.40.030** [Prohibited Discharges into Natural Waters.](#)
- 4.40.040** [General Discharge Prohibitions into the Sanitary Sewerage System.](#)
- 4.40.060** [Infiltration and Inflow.](#)
- 4.40.070** [Metered Water Consumption.](#)
- 4.40.080** [Separate Water Meters.](#)
- 4.40.090** [Volume Measurement.](#)
- 4.40.110** [Safety During Inspection.](#)

4.40.010 Application for Service.

(1) Additional agreements may be required prior to the city providing sanitary sewerage service if the manager determines that special circumstances exist.

(2) The city may refuse to provide sanitary sewerage service when the customer has a delinquent sewer, stormwater, or water account at the same or a different property.

(Ord. No. 1750, Amended, 05/07/2015; Ord. No. 1602, Amended, 04/01/2005; Ord. No. 1333, Amended, 11/03/1994)

4.40.020 Discontinuance of Service.

(1) A customer may discontinue sanitary sewerage service by notifying the city in advance of the desired date of discontinuance. The customer shall pay the user charges and billing service charges until the date of the discontinuance. A customer may discontinue sanitary sewerage service only if water service to the premises is also discontinued.

(2) If notice is not given, the customer shall pay the user charges and billing service charges until the date the city learns that the customer has vacated the premises. The manager may adjust the

date a maximum of 30 days prior to the date of notification.

(Ord. No. 1602, Amended, 04/01/2005)

4.40.030 Prohibited Discharges into Natural Waters.

No person shall discharge any wastewater into, or allow any wastewater to contaminate or otherwise enter, the surface of the ground, any natural waters, private stormwater system, or public stormwater system except under a permit or waiver from the city, the county sanitarian, or the Department of Environmental Quality.

(Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1647, Amended, 09/20/2007; Ord. No. 1379, Amended, 12/07/1995)

4.40.040 General Discharge Prohibitions into the Sanitary Sewerage System.

No person shall discharge or cause to be discharged, directly or indirectly, any pollutant which causes Pass Through or Interference or any of the following substances into the sanitary sewerage system:

(1) Gasoline, benzene, naphtha, fuel oil, any liquids, any solids, or any gases which by reason of their nature or quantity are sufficient either alone or by interaction to cause:

(a) pollutants that create a fire or explosion hazard in the sanitary sewerage system, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21; or

(b) injury in any other way to the sanitary sewerage system.

(2) Solid or viscous substances in quantities or of a size capable of causing obstruction to the flow in a sanitary sewer line or other interference with the operation of the sanitary sewerage system. Such substances include grease, fat, waste, oil (whether or not emulsified), either soluble or n-hexane soluble matter, any substance

which may solidify or become discernibly viscous at temperatures above 32 degrees Fahrenheit, 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, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing or fuel or lubricating oil; mud grinding, glass grinding, or polishing wastes; paper dishes, cups, paper packaging, plastic packaging, glass packaging, and metal packaging whether whole or ground.

(3) Any wastewater having a pH less than 5.0 or greater than 10.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the city.

(4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction:

(a) to injure or interfere with any wastewater treatment plant process,

(b) to constitute a hazard to humans or animals, or

(c) to exceed the limitations set forth in the Categorical Pretreatment Standards.

(5) Any noxious or malodorous liquids, gases, or solids that either singly or by interaction, are capable of creating a public nuisance or hazard to life, or are sufficient to prevent entry into the public sanitary sewer lines for their maintenance and repair.

(6) Any substance that may cause the sanitary sewerage system's effluent or treatment residues, sludges, or scums to be unsuitable for reclamation and reuse. No substance may be discharged to the sanitary sewerage system that causes the wastewater treatment plant to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; or any criteria, guidelines, or regulations affecting sludge use or

disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state of Oregon standards applicable to the sludge management method being used.

(7) Any substance that will cause the wastewater treatment plant to violate its NPDES or other disposal system permits.

(8) Any substance with objectionable color not removed in the treatment process, such as dye wastes and vegetable tanning solutions.

(9) Any liquid or vapor having a temperature higher than 65 degrees Centigrade (150 degrees Fahrenheit) or having a temperature that will inhibit biological activity resulting in interference at the wastewater treatment plant. In no case may there be quantities of liquid or vapor in the wastewater, such that the temperature of the wastewater entering the wastewater treatment plant exceeds 40 degrees Centigrade (104 degrees Fahrenheit).

(10) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the sanitary sewerage system.

(11) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

(12) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration that exceeds limits established by city, state or federal regulations.

(13) Any trucked or hauled pollutants, except at discharge points designated by the manager.

(14) Any wastewater that causes a hazard to human life or creates a public nuisance.

(15) Any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated or non-contact cooling water, or unpolluted industrial process water, unless specifically authorized by the manager.

(16) Pollutants that result in the presence of toxic gases, vapors, or fumes within the sanitary sewerage system in a quantity that may cause acute workers' health and safety problems.

(17) Antifreeze.

(18) Wastewater from dry cleaning machines. (Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1507, Amended, 10/19/2000; Ord. No. 1411, Amended, 01/16/1997; Ord. No. 1379, Amended, 12/07/1995; Ord. No. 1333, Amended, 11/03/1994; Ord. No. 1307, Amended, 05/05/1994)

4.40.060 Infiltration and Inflow.

(1) No person shall construct, allow to be constructed, or allow to exist plumbing or building sewers which contribute to the infiltration or inflow into the sanitary sewerage system.

(2) Should the manager determine that infiltration or inflow into the sanitary sewerage system is being received or could be received from any building drain or building sewer, the owner of the property on which the infiltration or inflow originates shall be notified by certified mail to:

(a) eliminate the cause of the actual or potential infiltration or inflow within 90 days of the notice date;

(b) show cause within 30 days why the elimination should not be required;

(c) be subject to the penalty set forth in GRC 4.99.060.

(Ord. No. 1700, Amended, 03/03/2011)

4.40.070 Metered Water Consumption.

The volume of flow used for computing industrial wastewater user charges shall be the metered water consumption at the premises served as shown in the records of meter readings maintained by the city. Adjustments to the charges based upon metered water consumption may be made by the manager upon evidence by the user that a portion of the water is not discharged into the sanitary sewerage system. If the discharger of industrial waste into the sanitary sewerage system

obtains any part, or all, of the water from sources other than the city, all or part of which is discharged into the sanitary sewerage system, the industrial user shall install, maintain, and pay for water meters of a type approved by the manager for purposes of determining the volume of water obtained from these other sources.

4.40.080 Separate Water Meters.

The city may require the owner to install a separate water meter for commercial or industrial uses for the purpose of determining sanitary sewerage user charges.

4.40.090 Volume Measurement.

The owner, after approval by the manager, may install a device for measuring the volume of wastewater discharged instead of using a water meter. The owner shall own, install, and operate the device.

4.40.110 Safety During Inspection.

While performing the necessary work on private property referred to in GRC 4.99.050, the manager shall observe all safety rules applicable to the premises established by the company.

Article 4.45

PRETREATMENT

Sections:

- 4.45.010 [Limitations on Wastewater Discharge Characteristics.](#)
- 4.45.012 [Categorical Standards Compliance Deadline.](#)
- 4.45.015 [Industrial Pretreatment Program Implementation Manual.](#)
- 4.45.020 [Accidental Discharges.](#)
- 4.45.025 [Installation of Pretreatment Technology.](#)
- 4.45.030 [Industrial User.](#)
- 4.45.040 [Charges and Fees.](#)
- 4.45.050 [Industrial Waste Discharge Permits.](#)
- 4.45.060 [Permit Application.](#)
- 4.45.070 [Permit Conditions.](#)
- 4.45.080 [Permit Modifications.](#)
- 4.45.105 [Baseline Reports and Final Compliance Reports.](#)
- 4.45.110 [Reports on Continued Compliance.](#)
- 4.45.115 [Signatory and Certification of Reports.](#)
- 4.45.120 [Monitoring Facilities.](#)
- 4.45.130 [Right of Entry: Inspection and Sampling.](#)
- 4.45.140 [Confidential Information.](#)
- 4.45.150 [Emergency Suspension of Sanitary Sewerage Service and the Industrial Waste Discharge Permit.](#)
- 4.45.160 [Revocation of Industrial Waste Discharge Permit and Termination of Wastewater Treatment Service.](#)
- 4.45.170 [Remedies for Industrial User Noncompliance.](#)
- 4.45.180 [Notice and Appeal for Denial, Suspension, or Revocation of a Permit.](#)
- 4.45.190 [Enforcement.](#)
- 4.45.195 [Civil Administrative Penalties.](#)
- 4.45.200 [Industrial Pretreatment Enforcement Response Plan.](#)
- 4.45.220 [Levels of Civil Administrative Enforcement.](#)

- 4.45.230 [Operating Upsets.](#)
- 4.45.235 [Bypass.](#)
- 4.45.240 [Prohibited Conduct.](#)
- 4.45.250 [Records Retention.](#)
- 4.45.260 [City Recovery of Costs.](#)

4.45.010 **Limitations on Wastewater Discharge Characteristics.**

(1) Categorical Standards.

All discharges shall meet the supplementary limitations of subsection (5) and, where applicable, Categorical Standards.

(2) State Requirements.

State requirements and limitations on discharges to the sanitary sewerage system apply in any case where they are more stringent than federal requirements and limitations or those in this code.

(3) Right of Revision.

The city reserves the right to amend this chapter to provide for more stringent limitations or requirements on discharges to the sanitary sewerage system if necessary to comply with the objectives of the federal general pretreatment regulations.

(4) Dilution.

No Industrial User may increase the use of potable or process water in any way, for the purpose of diluting wastewater to achieve compliance with the standards set forth in this code.

(5) Local Limitations.

No Industrial User may discharge wastewater containing concentrations of the following materials, exceeding the following values:

<u>Pollutant¹</u>	<u>Daily Maximum Limit (mg/L)</u>
Arsenic (As)	0.48
Cadmium (Cd)	0.50
Chromium (Cr)	1.58
Copper (Cu)	2.00
Cyanide (CN)	1.00
Lead (Pb)	1.00
Mercury (Hg)	0.10
Molybdenum (Mo)	6.58
Oil and Grease ²	100
Nickel (Ni)	3.00
Selenium (Se)	4.48
Silver (Ag)	0.47
Zinc (Zn)	4.00

¹ Limits established for total metals and total cyanide.

² Oil and Grease limit is for total non-polar oils; petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin.

(6) Additional Limitations.

The manager may apply best professional judgment (BPJ) and impose technical or performance based pollutant concentrations and Best Management Practices, in addition to limits specified in (5) above, on Industrial Users. The manager may impose flow (gallons per day), mass (pounds per day), pH, and/or temperature limitations on Industrial Users. The manager may impose categorical equivalent mass or equivalent concentration limits pursuant to 40 CFR 403.6(c).

(7) The prohibitions of GRC 4.40.040 are incorporated into GRC Article 4.45 by this reference and may be enforced, pursuant to this article, against users subject to GRC Article 4.45. (Ord. No. 1756, Amended, 08/20/2015; Ord. No. 1750, Amended, 05/07/2015; Ord. No. 1716, Amended, 05/31/2012; Ord. No. 1647, Amended, 09/20/2007; Ord. No. 1561, Amended, 01/02/2003; Ord. No. 1534, Amended, 11/01/2001; Ord. No. 1507, Amended, 10/19/2000; Ord. No. 1440, Amended, 04/16/1998; Ord. No. 1411, Amended, 01/16/1997; Ord. No. 1379, Amended, 12/07/1995; Ord. No. 1333, Amended, 11/03/1994)

4.45.012 Categorical Standards Compliance Deadline.

(1) Existing Sources.

Compliance by existing sources with categorical Pretreatment Standards shall be within 3 years of the date the Standard is effective unless a shorter compliance time is specified in the appropriate subpart of 40 CFR chapter I, subchapter N. Existing sources which become Industrial Users subsequent to promulgation of an applicable categorical Pretreatment Standard shall be considered existing Industrial Users except where such sources meet the definition of a New Source.

(2) New Sources.

New Sources shall install and have in operating condition, and shall "start-up" all pollution control equipment required to meet applicable Pretreatment Standards before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), New Sources shall meet all applicable Pretreatment Standards.

(Ord. No. 1716, Amended, 05/31/2012; Ord. No. 1411, Enacted, 01/16/1997)

4.45.015 Industrial Pretreatment Program Implementation Manual.

The manager may adopt an "Industrial Pretreatment Program Implementation Manual" to carry out the provisions of GRC Article 4.45 and all aspects of the industrial pretreatment program. (Ord. No. 1385, Enacted, 03/07/1996)

4.45.020 Accidental Discharges.

(1) Each Industrial User shall provide protection from accidental discharge of prohibited or regulated materials or other substances as established by this chapter. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Industrial User's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the manager for review, and shall be approved by the manager before

construction of the facility. Industrial Users shall complete the accidental discharge plan meeting the requirements of 40 CFR 403.8(f)(2)(vi) and submit the plan to the manager within 90 days of being notified. Review and approval of the plans and operating procedures by the manager shall not relieve the Industrial User from the responsibility to modify its facility as necessary to meet the requirements of this chapter.

(2) Industrial Users shall notify the manager immediately upon the occurrence of a slug or accidental discharge of substances prohibited by this chapter. The notification shall include location of discharge, date and time of the discharge, description of the waste, concentration and volume, and corrective actions. Within five days following an accidental discharge the user shall submit to the manager a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. The notification shall not relieve the user of any expense, loss, damage, or other liability that may be incurred as a result of damage to the sanitary sewerage system, fish kills, or any other damage to person or property; nor shall notification relieve the user of any fines, civil penalties, or other liability that may be imposed by this chapter or other applicable law.

(3) Signs shall be permanently posted in conspicuous places on the Industrial User's premises, advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedures.
(Ord. No. 1716, Amended, 05/31/2012)

4.45.025 Installation of Pretreatment Technology.

(1) Industrial Users shall provide wastewater treatment, including pretreatment technology, devices and facilities, as necessary to comply with this chapter and shall achieve compliance within the time limitations specified by EPA, DEQ, or the manager, whichever is more stringent, to meet requirements of this chapter, including:

- (a) limitations on wastewater discharge characteristics;
- (b) general discharge prohibitions into the sanitary sewerage system;
- (c) industrial waste discharge permit requirements, where applicable;
- (d) all categorical pretreatment standards.

(2) Any pretreatment devices and facilities necessary for compliance shall be provided, operated and maintained at the user's expense.

(3) Detailed plans describing such devices and facilities and the operating procedures for such shall be submitted to the manager for review and shall be acceptable to the manager before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities or devices as necessary to produce a discharge acceptable to the city under the provisions of this chapter.

(4) Pretreatment devices and facilities shall be located so as to be readily and easily accessible for cleaning, maintenance, and inspection.
(Ord. No. 1716, Amended, 05/31/5012; Ord. No. 1411, Enacted, 01/16/1997)

4.45.030 Industrial User.

(1) If any sampling by an Industrial User indicates a violation of its industrial waste discharge permit or any provision of this chapter, the Industrial User shall notify the manager within 24 hours of becoming aware of the violation. The Industrial User shall also repeat the sampling and analysis and submit results of the repeat analysis and corrective actions required to prevent recurrence of the violation to the manager within 30 days.

(2) All Industrial Users shall notify the manager prior to any substantial changes in volume or character of pollutants in their discharges, including hazardous wastes.

(3) All Industrial Users shall notify the manager, the EPA Regional Waste Management Division Director, and the Oregon Department of Environmental Quality in writing of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261.

(Ord. No. 1716, Amended, 05/31/5012)

4.45.040 Charges and Fees.

The council shall set by resolution charges and fees to compensate the city for the cost of administration of the pretreatment program. These charges and fees may include:

(1) Fees for monitoring, inspections, and surveillance procedures.

(2) Fees for Industrial Waste Discharge Permits, including:

(a) new permit;

(b) permit renewal;

(c) annual permit; and

(d) permit modification (where requested by the Significant Industrial User).

(3) Fees for filing appeals.

(4) Fees for non-return of preliminary reports required by GRC 4.45.050(2).

(Ord. No. 1716, Amended, 05/31/2012; Ord. No. 1440, Amended, 04/16/1998; Ord. No. 1333, Amended, 11/03/1994)

4.45.050 Industrial Waste Discharge Permits.

(1) Significant Industrial User Permits.

All Significant Industrial Users proposing to connect to or to discharge wastewater to the sanitary sewerage system shall obtain an industrial waste discharge permit before connecting to or discharging to the sanitary sewerage system.

(2) Non-Significant Industrial User Permits.

The manager may issue a Non-Significant Industrial Waste Discharge Permit for users that meet the definition of a Non-Significant Industrial User. A permit may include but not be limited to self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements may include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.

(3) Non-Significant Categorical Industrial Permits.

The manager may issue a Non-Significant Categorical Industrial Waste Discharge Permit for users meeting the definition of a Non-Significant Categorical Users when deemed such level of control is protective of the public sanitary sewer system. A permit may include but not be limited to self-monitoring, sampling, reporting, notification, and record-keeping requirements.

(4) Preliminary Report.

The manager may request information from all Industrial Users to determine if the Industrial User is a Significant Industrial User, Non-Significant Industrial User, or Non-Significant Categorical Industrial User. The Industrial Users shall provide the information within 60 days of the date the manager requests the information.

(Ord. No. 1716, Amended, 05/31/2012)

4.45.060 Permit Application.

(1) Industrial Users shall file with the manager an Industrial Waste Discharge Permit application in the form prescribed by the manager.

(2) Non-permitted, existing Industrial Users shall apply for an Industrial Waste Discharge Permit within 60 days after being notified by the manager.

(3) Renewals.

(a) Existing permitted Industrial Users shall reapply at least 90 days before the expiration date of their Industrial Wastewater Discharge Permit.

(4) Modifications.

(a) Existing permitted Industrial Users proposing facility expansion, production increase or process modification which may result in a change in the character of pollutants to be discharged or which may result in new or increased discharge which may exceed the condition of their permit shall apply for a new permit at least 90 days prior to changing the discharge to the sanitary sewerage system.

(5) Proposed new Industrial Users shall apply at least 90 days prior to connecting to the sanitary sewerage system.

(6) The applicant for a permit shall provide the following information:

(a) Name, address, and location of the Industrial User.

(b) North American Industry Classification System (NAICS) number according to the NAICS Manual.

(c) Wastewater constituents and characteristics including but not limited to those specified in this chapter. Sampling and analysis shall be performed in accordance with GRC 4.45.110(4).

(d) Time and duration of discharges.

(e) Average daily and instantaneous peak wastewater flow rates, in gallons per day, including daily, monthly, and seasonal variations. All flows shall be measured unless other verifiable techniques are approved by the manager due to cost or non-feasibility.

(f) Site plans, floor plans, mechanical and plumbing plans and details to show all building sewers, sanitary sewer connections, inspection

manholes, sampling chambers, and appurtenances by size, location, and elevation.

(g) Description of activities, facilities, and plant processes on the premises including all materials that are or may be discharged to the sanitary sewerage system.

(h) For existing plants at time of adoption of this chapter, the nature and concentration of any pollutants or materials prohibited by this chapter in the discharge, together with a statement regarding whether or not compliance is being achieved with this chapter on a consistent basis and if not, whether additional operation and maintenance activities and additional pretreatment is required for the Industrial User to comply with this chapter.

(i) Where additional pretreatment and operation and maintenance activities will be required to comply with this article, the Industrial User shall provide a declaration of the shortest schedule by which the Industrial User will provide such additional pretreatment and implementation of additional operational and maintenance activities. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions apply to this schedule:

(i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, and others).

(ii) No increment referred to in subparagraph (i)(i) may exceed nine months.

(iii) Not later than 14 days following each date in the schedule and the final date

for compliance the Industrial User shall submit a progress report to the manager, including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the manager.

(j) Disclosure of the type and amount of raw materials utilized by the Industrial User (average and maximum per day).

(k) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver for a pollutant neither present nor expected to be present in the discharge based on GRC 4.45.110(7).

(l) Permit applications shall be signed by a principal executive officer of the Industrial User or per GRC 4.45.115(2), and by a qualified engineer, where required.

(m) The permit application shall include the certification statement of GRC 4.45.115(1).

(7) The manager shall evaluate the complete application and data furnished by the Industrial User and may require additional information prior to the manager granting or denying an Industrial Wastewater Discharge permit.

(Ord. No. 1750, Amended, 05/07/2015; Ord. No. 1716, Amended, 05/31/2012; Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1561, Amended, 01/02/2003; Ord. No. 1411, Amended, 01/16/1997; Ord. No. 1379, Amended, 12/07/1995; Ord. No. 1307, Amended, 05/05/1994)

4.45.070 Permit Conditions.

(1) Industrial Users shall be subject to the terms and conditions of their Industrial Waste Discharge Permit.

(2) Industrial Waste Discharge Permits shall contain the following terms and conditions:

(a) limits, including Best Management Practices, on the average and maximum wastewater constituents and characteristics;

(b) limits, on average rate, maximum rate, and time of discharge or requirements for flow regulations and equalization. The Industrial User shall notify the manager within two business days after the Industrial User has a reasonable basis to know that the equivalent mass or concentration limits will significantly change within the next calendar month;

(c) requirements for installation and maintenance of inspection and sampling facilities;

(d) specifications for monitoring programs which may include sampling locations; frequency of sampling; number, types, and standards for tests; and reporting schedule;

(e) compliance schedules, including effective date and final compliance date;

(f) requirements for reports on continued compliance, as provided in GRC 4.45.110, and submission of special technical reports or discharge reports;

(g) a statement that the Industrial User shall notify the manager if the Industrial User discovers, through its own sampling, violations of limitations on the wastewater strength or permit standards; and

(h) a requirement to control Slug Discharges, to notify the manager immediately of any changes at its facility affecting potential for a Slug Discharge and to develop a slug control plan or other action, if the manager determines that such a plan or action is necessary as required by 40 CFR 403.8(f)(2)(vi).

(i) Permit duration. Industrial Waste Discharge Permits shall be issued for a period not to exceed five years, subject to amendment or revocation as provided in this chapter, except that the manager may administratively extend an existing permit during the permit renewal process.

(j) Limitations on permit transfer. Industrial Waste Discharge Permits are issued to a specific Industrial User for a specific operation and are non-transferable without, at a minimum, prior notification to the manager and prior written approval of the manager.

(i) If prior written approval for permit transfer is granted, a copy of the existing permit or a new permit, if required, will be issued to the new owner or operator.

(ii) Industrial Waste Discharge Permits are issued for a specific location and are not transferable to any other location.

(k) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, Gresham Revised Code, or the Industrial Waste Discharge Permit requirements.

(l) Recordkeeping requirements.

(m) Other conditions necessary to achieve the requirements of this chapter, as determined by the manager.

(Ord. No. 1716, Amended, 05/31/2012; Ord. No. 1647, Amended, 09/20/2007; Ord. No. 1411, Amended, 01/16/1997)

4.45.080 Permit Modifications.

(1) Permit conditions included in an Industrial Waste Discharge Permit shall remain in effect for that permit until it expires, except that the permit conditions may be revised from time to time as the manager deems necessary to effectively manage industrial waste discharges. If the permittee wishes to exceed any conditions of its permit, the permittee shall apply for a modified permit.

(2) After the promulgation of the categorical pretreatment standards, the Industrial Waste Discharge Permit of each Industrial User subject to the standards shall be revised to require compliance with the standards. The manager may amend the Industrial Waste Discharge Permit to assure compliance with applicable laws and regulations.

(Ord. No. 1716, Amended, 05/31/2012; Ord. No. 1440, Amended, 04/16/1998)

4.45.105 Baseline Reports and Final Compliance Reports.

Baseline reports and Final Compliance reports, where required, shall be submitted to the manager in a form prescribed by the manager. Baseline reports and Final Compliance reports shall be submitted within the time limitations and shall contain, at a minimum, information and certifications, as required under 40 CFR 403.12.

(Ord. No. 1716, Amended, 05/31/2012; Ord. No. 1411, Enacted, 01/16/1997)

4.45.110 Reports on Continued Compliance.

(1) Industrial Users shall submit to the manager periodic reports on continued compliance. Monitoring, Sampling Information, and Reporting Requirements shall be reported, as specified by the manager. Reports shall be made on a form approved by the manager.

(2) Industrial Users subject to an applicable pretreatment standard set forth in this chapter, after the compliance date of that pretreatment standard, or, in the case of a new Industrial User, after commencement of the discharge to the city, shall submit to the manager, monthly (or other frequency as specified by the manager), a report indicating the nature and concentration of prohibited or regulated substances in the wastewater which are limited by the pretreatment standards, this chapter, or the user's wastewater discharge permit. In addition, this report shall include a record of all measured average and maximum daily flows during the reporting period. Flows shall be reported on the basis of actual measurement. In cases where the pretreatment standard or local limitation requires compliance with a Best Management Practice (or pollution prevention alternative), the Industrial User shall submit documentation required by the manager of the pretreatment standard necessary to determine the compliance status or the Industrial User.

(3) Reports of Industrial Users shall contain all results of sampling and analysis of the

discharge, including the flow, description, nature and concentration of pollutants, or mass where required by the manager. The frequency of monitoring by the Industrial User shall be as prescribed in the industrial waste discharge permit. If an Industrial User monitors more frequently than required by its industrial waste discharge permit, the Industrial User shall notify the manager of the results of all such monitoring according to the reporting requirements of the user's industrial waste discharge permit.

(4) Samples collected to satisfy reporting requirements shall be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(a) Except as indicated in section (b) and (c) below, the Industrial User shall collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the manager. Where time-proportional composite sampling or grab sampling is authorized by the managers, the samples shall be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the manager, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

(b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds shall be obtained using grab collection techniques.

(c) For sampling required in support of baseline monitoring and 90-day compliance reports required in GRC 4.45.105, a minimum of four grab samples shall be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the manager may authorize a lower minimum. For the reports required by GRC 4.45.110(1), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

(d) All effluent analysis conducted for reports required by this article, excepting pH, shall be performed by an accredited environmental laboratory.

(5) Significant Industrial Users shall submit to the manager reports on continued compliance no less than once each six months. Categorical SIUs shall submit to the manager reports on continued compliance in the months of June and December, unless required more frequently in the pretreatment standard or by EPA, DEQ, or the user's wastewater discharge permit. The manager may alter the months for which CIUs continued compliance reports are to be submitted.

(6) Annual certification by Non-Significant Categorical Industrial Users. A facility determined to be a Non-Significant Categorical Industrial User pursuant to 40 CFR 403.3(v)(2) shall annually submit the certification statement in 40 CFR 403.12(q), signed in accordance with the signatory requirements in GRC 4.45.115. This certification shall accompany any alternative report required by the manager.

(7) Industrial Users subject to a Categorical Pretreatment Standard may apply for and obtain a waiver to forego sampling of a pollutant regulated by a Categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without

any increase in the pollutant due to activities of the Industrial User. This authorization is subject to the following conditions:

(a) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable Categorical Standard and otherwise includes no process wastewater.

(b) The monitoring waiver is valid only for the effective period of the Industrial Waste Discharge Permits, but in no case longer than five years. The Industrial User shall submit a new request for the waiver before the waiver can be granted for each subsequent Industrial Waste Discharge Permits.

(c) In making a demonstration that a pollutant is not present, the Industrial User shall provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

(d) The request for a monitoring waiver shall be signed in accordance with GRC 4.45.115(2), and include the following certification statement:

Based on my inquiry of the person or persons directly responsible for managing compliance with the applicable federal Categorical Pretreatment Standards, I certify that, to the best of my knowledge and belief, there has been no increase in the level of the pollutant(s) that have been approved for the monitoring waiver in the wastewaters due to the activities at the facility since filing of the last periodic report under GRC 4.45.110(1).

(e) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(f) Any grant of the monitoring waiver by the manager shall be included as a condition in the Industrial User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver shall be maintained by the city for three years after expiration of the waiver.

(g) Upon approval of the monitoring waiver and revision of the Industrial User's permit by the manager, the Industrial User shall certify on each report with the statement in GRC 4.45.110(7)(d), that there has been no increase in the pollutant in its waste stream due to activities of the Industrial User.

(h) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the Industrial User's operations, the User shall immediately: comply with the monitoring requirements of GRC 4.45.110(1), or other more frequent monitoring requirements imposed by the manager, and notify the manager.

(i) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.

(Ord. No. 1750, Amended, 05/07/2015; Ord. No. 1716, Amended, 05/31/2012; Ord. No. 1647, Amended, 09/20/2007; Ord. No. 1411, Amended, 01/16/1997)

4.45.115 Signatory and Certification of Reports.

Industrial Waste Discharge Permit Applications, Baseline reports, Final Compliance reports (90-Day Compliance Reports), Continued Compliance reports, and other required reports shall:

(1) Contain the following certification statement:

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

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

(2) Be signed by a responsible corporate officer, by a general partner or proprietor, or by a duly authorized representative of the Industrial User, as defined under 40 CFR 403.12(1).

(Ord. No. 1716, Amended, 05/31/2012; Ord. No. 1411, Enacted, 01/16/1997)

4.45.120 Monitoring Facilities.

(1) Each Industrial User shall provide and operate at the Industrial User's own expense a monitoring facility to allow inspection, sampling, and flow measurement of each pipe or conduit which discharges to the sanitary sewerage system. Each monitoring facility shall be situated on the Industrial User's premises. When such a location would be impractical or cause undue hardship on the Industrial User, the manager may allow the facility to be constructed in the public right-of-way if the facility is located so that it will not be obstructed by landscaping or parked vehicles. The Industrial User shall pay all costs associated with the alternate location.

(2) There shall be ample room in or near the sampling facility to allow accurate sampling and preparation of samples for analysis. The sampling facility, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the Industrial User.

(3) All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications. Construction shall be completed no later than 120 days of the Industrial User being notified by the manager.

(Ord. No. 1716, Amended, 05/31/2012; Ord. No. 1700, Amended, 03/03/2011)

4.45.130 Right of Entry; Inspection and Sampling.

(1) The manager shall have the right to enter the premises of any Industrial User to determine whether the Industrial User is complying with all requirements of this chapter and any Industrial Waste Discharge Permits or order issued hereunder. Users shall allow the manager 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 an Industrial User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the manager shall be permitted to enter without delay for the purposes of performing specific responsibilities.

(b) The manager shall have the right to set up on the Industrial User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

(c) The manager 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 User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated per manufacturer's recommendations or more frequently as required to ensure their accuracy.

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

(e) The Industrial User shall not cause unreasonable delays in allowing the manager access to the User’s premises.

(2) If the Industrial User refuses to provide the manager access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the manager is authorized to obtain an administrative inspection warrant and enter the premises in accordance with GRC 7.50.500 through GRC 7.50.520.

(Ord. No. 1716, Amended, 05/31/2012; Ord. No. 1700, Amended, 03/03/2011)

4.45.140 Confidential Information.

(1) Information and data on a user obtained by the manager from reports, surveys, questionnaires, wastewater discharge permit applications, wastewater discharge permits and monitoring programs, and from the manager's inspection and sampling activities, shall be available to the public without restriction, unless the Industrial User specifically requests in writing that it be confidential and demonstrates to the satisfaction of the manager that the release of such information would divulge information, processes, or methods of production entitled to protection as provided by federal or state law. Any such request shall be asserted at the time of submission of the information or data in accordance with the city's established confidentiality procedures. Wastewater constituents and characteristics and other "effluent data" as defined by federal law will not be recognized as confidential information and will be available to the public without restriction.

(2) When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made

available immediately upon request to governmental agencies for uses related to the NPDES permit, or pretreatment programs and in enforcement proceedings involving the person furnishing the report.

(Ord. No. 1716, Amended, 05/31/2012; Ord. No. 1647, Amended, 09/20/2007; Ord. No. 1411, Amended, 01/16/1997)

4.45.150 Emergency Suspension of Sanitary Sewerage Service and the Industrial Waste Discharge Permit.

(1) The manager may suspend an Industrial User's sanitary sewerage service or suspend an Industrial User's Industrial Waste Discharge Permit when it appears to the manager that an actual or threatened discharge:

(a) presents or may present an imminent or substantial danger to public health and safety,

(b) presents or may present substantial danger to the environment,

(c) interferes with or may interfere with the operation of the sanitary sewerage system, or

(d) violates or may violate any pretreatment limits imposed by this chapter or any Industrial Waste Discharge Permit issued under this article.

(2) Any Industrial User notified of the suspension of sanitary sewerage service or the Industrial User's Industrial Waste Discharge Permit, shall within a reasonable period of time, as determined by the manager, cease all discharges. If the Industrial User fails to comply voluntarily with the suspension order within the specified time, the manager shall take such steps necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the sanitary sewerage system or danger to any individuals. The manager shall reinstate the Industrial Waste Discharge Permit and the wastewater treatment service upon proof by the Industrial User of the elimination of the non-complying discharge.

(Ord. No. 1750, Amended, 05/07/2015; Ord. No. 1716,

Amended, 05/31/2012; Ord. No. 1602, Amended, 04/01/2005)

4.45.160 Revocation of Industrial Waste Discharge Permit and Termination of Wastewater Treatment Service.

The manager may revoke the industrial wastewater discharge permit of any Industrial User for any of the following reasons:

- (1) failure to factually report the wastewater constituents and characteristics of its discharge;
- (2) failure to report significant changes in operations, or in the wastewater constituents and characteristics;
- (3) refusal of reasonable access to the Industrial User's premises for the purpose of inspection or monitoring; or
- (4) violation of conditions of its permit. (Ord. No. 1716, Amended, 05/31/2012)

4.45.170 Remedies for Industrial User Noncompliance.

When the manager finds that any Industrial User has engaged in conduct which justifies revocation of an industrial wastewater discharge permit, pursuant to GRC 4.45.160, the manager may obtain remedies for noncompliance by any Industrial User as described in the Industrial Pretreatment Enforcement Response Plan. (Ord. No. 1716, Amended, 05/31/2012; Ord. No. 1307, Amended, 05/05/1994)

4.45.180 Notice and Appeal for Denial, Suspension, or Revocation of a Permit.

(1) Upon denial, suspension or revocation of an Industrial Waste Discharge Permit, the manager shall give notice of such action to the permit holder in writing. Such notice shall include the following:

- (a) a statement explaining the action taken;

- (b) the reasons for the action;
- (c) the date the decision becomes effective; and
- (d) the opportunity to protest the decision as set forth in GRC 7.50.030.

(2) Notice of denial, revocation or suspension of any permit issued pursuant to this chapter, shall be sent by regular and certified mail, return receipt requested. In the event the suspension or revocation is effective immediately, notice shall also be delivered by posting it on the property at the location listed on the permit application.

(3) Unless otherwise provided, the action shall be effective 10 days after the date of the notice.

(4) Any permit applicant or holder aggrieved by a denial, suspension, revocation, or non-renewal of a license or permit regulated under this section, may protest such action to a hearings officer pursuant to GRC 7.50.030.

(5) Unless otherwise provided, submitting a protest of a revocation or suspension of a permit shall stay the effectiveness of the suspension or revocation until the protest hearing is held and the hearings officer issues a decision.

(6) A permit may be suspended in the event of an imminent threat to public health and safety and in circumstances in which it is necessary to take immediate action in order to prevent serious harm. Suspension under this section is effective upon the date the notice is posted on the property. Subsection (5), above, does not apply to suspensions under this section. (Ord. No. 1716, Amended, 05/31/2012; Ord. No. 1590, Amended, 09/16/2004)

4.45.190 Enforcement.

(1) When the manager finds that an Industrial User has violated, or continues to violate, any provision of this chapter, rules adopted hereunder, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the manager may:

(a) take civil administrative actions, as set out in the Industrial Pretreatment Enforcement Response Plan, adopted under the authority of GRC 4.45.200;

(b) issue compliance orders;

(c) cause a petition to be filed in the appropriate state or federal court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance or any rule adopted hereunder on activities of the user. The manager may also seek other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user;

(d) cause an appropriate action to be instituted in a court of competent jurisdiction;

(e) suspend or revoke a permit in accordance with GRC 4.45.150 and GRC 4.45.160; or

(f) take other action the manager deems appropriate.

(2) Annual Publication. A list of all Industrial Users that were in significant noncompliance of applicable pretreatment standards or pretreatment requirements during the 12 previous months shall be annually published by the manager in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the manager.

(3) Reports. If any Industrial User fails, upon demand by the manager, to supply up-to-date, accurate and complete self-monitoring reports and records as required in GRC 4.45.110, the manager, at their discretion, may consider the Industrial User's monthly discharge to be the Industrial User's water consumption.

(Ord. No. 1716, Amended, 05/31/2012; Ord. No. 1647, Amended, 09/20/2007; Ord. No. 1411, Amended, 01/16/1997; Ord. No. 1385, Amended, 03/07/1996)

4.45.195 Civil Administrative Penalties.

Violations of this article, the requirements of a wastewater discharge permit, or the requirements of an order issued under this article, may result in assessment of civil administrative penalties in an amount up to \$1,000 per day, per violation or the manager may initiate any other enforcement action as outlined in this chapter and in the Enforcement Response Plan. Each day on which a violation occurs or continues shall be deemed a separate offense. Failure to pay a civil administrative penalty within 30 days following a final determination regarding the penalty is grounds for permit revocation or termination of an Industrial User's discharge. In addition to the civil administrative penalties, the manager may recover other costs associated with the enforcement activities, including sampling and monitoring expenses.

(Ord. No. 1716, Amended, 05/31/2012; Ord. No.1534, Amended, 11/01/2001; Ord. No. 1507, Amended, 10/19/2000; Ord. No. 1385, Amended, 03/07/1996)

4.45.200 Industrial Pretreatment Enforcement Response Plan.

(1) The council may adopt by resolution an "Industrial Pretreatment Enforcement Response Plan" (Enforcement Response Plan) which shall describe the enforcement procedures that may be used to carry out the provisions of this chapter. The manager may adopt an "Enforcement Response Guide" to carry out the provisions of the Enforcement Response Plan.

(2) The Enforcement Response Plan shall describe in detail the system of escalating levels of civil administrative penalties described in GRC 4.45.220.

(3) A person challenging an enforcement decision pursuant to GRC 4.45.190 to GRC 4.45.200 and GRC 4.45.260 may protest the enforcement decision to a hearing officer pursuant to GRC 7.50.030.

(Ord. No. 1682, Amended, 12/31/2009; Ord. No. 1590, Amended, 09/16/2004; Ord. No. 1385, Amended, 03/07/1996)

4.45.220 Levels of Civil Administrative Enforcement.

(1) There are three levels of civil administrative enforcement.

(a) Level I Procedures. This level of civil administrative enforcement applies to Industrial Users in violation of this chapter or their discharge permits.

(b) Level II Procedures. This level of civil administrative enforcement applies to Industrial Users with repeated violations of this chapter or their discharge permits or fails to comply with Level I enforcement actions.

(c) Level III Procedures. This level of civil administrative enforcement applies to Industrial Users that have not responded to previous enforcement action or to severe or willful violations of the requirements of this chapter.

(2) Alternative Enforcement. This section does not limit the manager's authority to take any other enforcement action against an Industrial User as provided by the code. The manager may follow the provisions of this section and at any time abandon these provisions and proceed with any other enforcement actions provided in the code.

(Ord. No. 1750, Amended, 05/07/2015; Ord. No. 1716, Amended, 05/31/2012; Ord. No. 1411, Amended, 01/16/1997; Ord. No. 1385, Amended, 03/07/1996; Ord. No. 1379, Amended, 12/07/1995)

4.45.230 Operating Upsets.

(1) Any Industrial User that experiences an upset in operations that places the Industrial User in a temporary state of non-compliance with the requirements of this chapter or an industrial wastewater discharge permit shall inform the manager as soon as possible, but no later than 24 hours after the first awareness of the commencement of the upset. If the information is given orally, a written follow-up report shall be filed by the Industrial User with the manager within five days. The report shall specify:

(a) description of the upset, the cause of the upset, and the upset's impact on an Industrial User's compliance status;

(b) duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur;

(c) all steps taken or to be taken to reduce, eliminate, and prevent recurrence of the upset or other conditions of noncompliance; and

(d) provide evidence that the facility was at the time of the upset being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.

(2) A documented and verified operating upset shall be an affirmative defense to any enforcement action brought by manager city against an Industrial User for noncompliance with categorical Pretreatment Standards, which arises

out of violations alleged to have occurred during the period of the upset. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards only if all requirements of paragraph (1) above are met.

(Ord. No. 1716, Amended, 05/31/2012; Ord. No. 1411, Amended, 01/16/1997)

4.45.235 Bypass.

(1) For the purpose of this section,

(a) "Bypass" means the intentional diversion of waste streams from any portion of an Industrial User's treatment facility.

(b) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(2) An Industrial User may allow any bypass to occur which does not cause applicable pretreatment standards or requirements to be violated, but only if it is also for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (3) and (4) of this section.

(3) Prohibition of Bypass:

(a) Bypass is prohibited, and the manager may take enforcement action against an Industrial User for bypass, unless;

(i) the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(ii) there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have

been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

(iii) the Industrial User submitted notices as required under paragraph (4), below.

(b) The Industrial User may approve an anticipated bypass, after considering its adverse effects, if the manager determines that it will meet the three conditions listed above in paragraph (3)(a) of this section.

(4) Notification of bypass:

(a) Anticipated bypass: If the Industrial User knows in advance of the need for a bypass, it shall submit prior written notice, at least ten days before the date of the bypass, to the manager.

(b) Unanticipated bypass: The Industrial User shall immediately submit oral notice of unanticipated bypass that exceeds applicable pretreatment standards to the manager within 24 hours from the time the user becomes aware of the bypass. A written submission shall also be provided to the manager within five days of the time the user becomes aware of the bypass. The written notice shall specify:

(i) a description of the bypass and its cause; including its duration, exact dates and time;

(ii) whether the bypass has been corrected; and

(iii) the anticipated time it is expected to continue; and steps being taken or planned to reduce, eliminate, and prevent a recurrence of the bypass.

(Ord. No. 1716, Enacted, 05/31/2012)

4.45.240 Prohibited Conduct.

(1) No person shall knowingly make any false statements, representations, or certifications in any application, record, plan, or other document

filed or required to be maintained pursuant to this chapter.

(2) No person shall falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this chapter.

(Ord. No. 1700, Amended, 03/03/2011)

4.45.250 Records Retention.

All Industrial Users subject to this article shall retain and preserve for no less than three years, all records, books, documents (including documentation associated with Best Management Practices), memoranda, reports, correspondence, and summaries relating to monitoring, sampling, and chemical analyses made by or in behalf of an Industrial User in connection with its discharge. All such records shall be made available for inspection and copying by the manager, DEQ, or EPA. The period of records retention shall be extended when requested by the manager, DEQ, or EPA. All records subject to administrative adjustment or any other enforcement or litigation activities shall be retained by the Industrial User until all enforcement activities have concluded and all appeals have expired.

(Ord. No. 1716, Amended, 05/31/2012; Ord. No. 1647, Amended, 09/20/2007; Ord. No. 1411, Amended, 01/16/1997)

4.45.260 City Recovery of Costs.

Any Industrial User who violates any of the provisions of this article, or who discharges or causes a discharge producing a deposit or obstruction, or causes damage to or impairs the sanitary sewerage system shall be liable to the city for any expense, loss, or damage caused by the violation or discharge. The city shall bill the Industrial User for the actual costs incurred by the manager, including but not limited to any administrative costs, cleaning, repair, or replacement work caused by the violation or discharge.

(Ord. No. 1716, Amended, 05/31/2012; Ord. No. 1507, Amended, 10/19/2000)

Article 4.50

USER AND BILLING SERVICE CHARGES

Sections:

- 4.50.010** [User Charges.](#)
- 4.50.020** [Billing Service Charge.](#)
- 4.50.030** [Wastewater Utility Fund.](#)
- 4.50.040** [Billing.](#)
- 4.50.050** [Payment.](#)
- 4.50.060** [Delinquency.](#)
- 4.50.070** [Adjustment of Accounts.](#)
- 4.50.080** [Property Liens.](#)
- 4.50.085** [Tenant Accounts.](#)
- 4.50.090** [Recovery of Delinquent Charges.](#)

4.50.010 User Charges.

(1) A user charge for the use of the existing and future sanitary sewerage system shall be paid by each user who is served by the sanitary sewer system.

(2) User charges shall be set by council resolution.

(3) The minimum user charge is the equivalent of that charge for a single residential dwelling unit prorated over the billing period.

(4) Multi-family, industrial and commercial users shall be billed on actual measured discharge, average water consumption, or actual water consumption if the user installs a device for measuring the volume of wastewater discharged or a water meter for measuring water consumption.

(5) User charges shall reflect actual costs of operation, maintenance, inflow and infiltration into the system, and replacement of the sanitary sewerage system. The amount of the user charge paid by a customer shall be the user's proportionate share of the cost of operation, maintenance, and replacement of the sanitary sewerage system.

(6) Each customer shall be notified in conjunction with a regular bill, of the user charge and an explanation of the charges.

(7) The user charge system shall take precedence over any terms or conditions of agreements or contracts inconsistent with the requirements of section 204(b)(1)(A) of the Clean Water Act.

(Ord. No. 1750, Amended, 05/07/2015; Ord. No. 1307, Amended, 05/05/1994)

4.50.020 Billing Service Charge.

The city will charge a billing service charge on each sewer bill to cover handling and processing of the bill for sanitary sewerage service. The billing service charge is in addition to the user charge and shall be set by council resolution.

4.50.030 Wastewater Utility Fund.

(1) There shall be a wastewater utility fund. Except for system development charges, all charges imposed and collected under this chapter shall be deposited in the wastewater utility fund.

(2) Money in the wastewater utility fund shall be used for planning, designing, and constructing the public wastewater system; for the regulation, maintenance, and administration of the public wastewater system; for providing all wastewater services, including the repayment of any indebtedness incurred before or after the effective date of this ordinance; for all expenses related to the operation and management of the wastewater utility.

(Ord. No. 1787, Amended, 11/01/2018; Ord. No. 1561, Amended, 01/02/2003)

4.50.040 Billing.

(1) The city will bill user charges and billing service charges on a schedule approved by the manager.

(2) Closing bills for a single service or single metered account shall be computed within two weeks after sanitary sewerage service is discontinued, or within two weeks of notification to the city, whichever is later. Closing charges for

a single service billed on a multiple service account shall be prorated on the next regular bill.

(3) User charges, billing service charges, stormwater user charges, and water use charges may be billed on the same bill. User charges for sanitary sewer, stormwater, and water may not be combined.

(Ord. No. 1440, Amended, 04/16/1998; Ord. No. 1307, Amended, 05/05/1994)

4.50.050 Payment.

(1) For all uses, user charges and billing service charges begin when a functional connection is made from the building plumbing to the sanitary sewerage system. Except, if the property is required to connect to the sanitary sewerage system by GRC 4.15.010, user charges begin at the time of functional connection or one year after notice is given to connect to the system, whichever occurs first. The manager may delay the commencement of these charges if the customer demonstrates hardship or special circumstances which warrant a delay.

(2) When the customer changes, user charges for the new customer begins when new customer information is received by the city. If notification of the change was not received by the city prior to the change in customer, the user charge shall begin with the next billing and the new customer may be billed retroactively, not to exceed one year.

(3) If two or more persons are billed for service, they shall be jointly and individually liable and sent a single bill.

(4) Payments shall be applied as provided by GRC 2.92.090.

(5) User charges and billing service charges shall be paid within 26 days from the service period ending date on the regular bill.

(Ord. No. 1647, Amended, 09/20/2007; Ord. No. 1602, Amended, 04/01/2005; Ord. No. 1534, Amended, 11/01/2001; Ord. No. 1307, Amended, 05/05/1994)

4.50.060 Delinquency.

(1) User charges and billing service charges are delinquent if payment in full is not received by

the city within 26 days from the service period ending date on the regular bill.

(2) If a customer account for wastewater user and billing service charges is delinquent, the city may discontinue any city provided water services billed to that customer. The city will follow the procedures identified in GRC 5.99.040.

(3) The council may set by resolution fees for extra services required in collecting delinquent customer accounts for user charges and billing service charges.

(Ord. No. 1602, Amended, 04/01/2005; Ord. No. 1561, Amended, 01/02/2003; Ord. No. 1534, Amended, 11/01/2001; Ord. No. 1507, Amended, 10/19/2000)

4.50.070 Adjustment of Accounts.

(1) If a customer receives other than the normal number of days of sewer service, the city shall prorate the sewer user charge and inflow and infiltration charge.

(2) The city may adjust user charges if water consumption, flow, BOD, suspended solids data, or other information indicates an increase or decrease in the wastewater discharge.

(3) Customers who believe their user charges, as applied to their premises, are not within the intent of GRC 4.50.010 may request in writing a review of their user charges. The written request shall state the actual or estimated average flow of the customer's wastewater, including how the measurements or estimates were made. The manager may initiate the review of a customer's wastewater user charge.

(a) The manager shall review the request and based on revised flow or strength data, shall determine appropriate user charges.

(b) If a customer's charge is reduced as a result of this review, the corrected wastewater user charge shall begin with the next billing and a credit or refund shall be made retroactively, not to exceed one year from the last billing.

(c) If a customer's charge is increased as a result of this review, the corrected

wastewater user charge shall begin with the next billing and the customer shall be billed for the increase retroactively, not to exceed one year from the last billing.

(4) If a customer has not been billed for wastewater service, the wastewater user charge shall begin with the next billing and the customer shall be billed, retroactively, not to exceed one year.

(5) Customers whose sewer is based on water consumption of measured discharge may request an adjustment due to a waterline leak, if the repairs are made within 30 days after the leak is discovered. Request for an adjustment must be received within four months of the date the repairs were made. If a credit is due, the adjustment period will be limited to the bill period during which the leak was repaired, plus one prior bill period.

(6) The manager may write off closed accounts and retroactive bills if in the best interest of the city and may write off refunds, unless the customer requests otherwise, if the cost of making the refund would exceed the amount of the refund. (Ord. No. 1561, Amended, 01/02/2003; Ord. No. 1440, Amended, 04/16/1998; Ord. No. 1412, Amended, 01/16/1997; Ord. No. 1379, Amended, 12/07/1995; Ord. No. 1307, Amended, 05/05/1994)

4.50.080 Property Liens.

(1) If the sewer customer is also the owner of the property, user charges plus billing service charges, late payment charge, charge for collecting delinquent bills, damages, charges for costs incurred by the city for cleaning, repair, or replacement work caused by violation of this chapter, and any other wastewater charges incurred relating to the property, shall be a lien against the property served from the date of delinquency. In the case of a closing bill where the property is being sold or transferred the lien for the closing bill shall attach as of the day preceding the sale or transfer.

(2) When a bill for wastewater service remains unpaid for 60 days after it has been entered in the customer's billing record or other city sanitary sewer record, and recorded in the

city's lien docket, the lien may be foreclosed in any manner provided by ORS 223.505 to ORS 223.650 or as otherwise provided by law.

(Ord. No. 1602, Amended, 04/01/2005; Ord. No. 1540, Amended, 03/07/2002; Ord. No. 1534, Amended, 11/01/2001; Ord. No. 1507, Amended, 10/19/2000; Ord. No. 1440, Amended, 04/16/1998; Ord. No. 1379, Amended, 12/07/1995)

4.50.085 Tenant Accounts.

(1) The city's claim against a tenant is transferred to the owner of the property when the city provides notice of the delinquent status to the tenant and mails a copy of the notice of delinquency by first class mail to the last address of the owner or owner's agent that is on file with the city, within 30 days from the time the payment is due on the account. The transferred claim shall be a lien against the property served from the date the notice of the delinquent status is mailed to the owner of the property. The transfer does not relieve the tenant of the obligation to pay the claim.

(2) The city may refuse to provide water service to a tenant if the tenant has a previous unpaid utility bill with the city unless the city and the customer agree to a plan for repayment of unpaid sewer bills.

(3) The city will provide information to the owner or owner's agent regarding the status of a tenant's account upon request, within a reasonable amount of time. If a request is made verbally, the city shall provide the information verbally. If the city discloses information under this subsection, the city shall not be held responsible for the disclosure of information to a person who is not an owner or owner's agent.

(Ord. No. 1750, Amended, 05/07/2015; Ord. No. 1602, Enacted, 04/01/2005)

4.50.090 Recovery of Delinquent Charges.

For those accounts where the city does not have the ability to collect wastewater charges in connection with or as part of the charge for another service or utility that can be curtailed to secure collection, the city may certify to the tax assessor of Multnomah County the amount of any

delinquent user charges, fees for collecting delinquent user charges, and billing service charges. When so certified, they shall be assessed against the premises served in the same manner as other taxes are certified, assessed, collected, and paid.

(Ord. No. 1561, Amended, 01/02/2003)

Article 4.99

ENFORCEMENT

Sections:

- 4.99.010** [Violation.](#)
- 4.99.020** [Fraud and Abuse.](#)
- 4.99.030** [Noncompliance with Regulations.](#)
- 4.99.040** [Right to Administrative Review.](#)
- 4.99.050** [Authority to Inspect.](#)
- 4.99.060** [Fines, Penalties, and Other Enforcement Tools.](#)

4.99.010 Violation.

A violation shall have occurred when any requirement or provision of this chapter has not been complied with. Violation of any provision of this chapter may be subject to enforcement action by the manager.

(Ord. No. 1700, Enacted, 03/03/2011)

4.99.020 Fraud and Abuse.

The city may refuse or discontinue water service, without notice, to a premises to protect itself against fraud or abuse.

(Ord. No. 1700, Enacted, 03/03/2011)

4.99.030 Noncompliance with Regulations.

The city may discontinue water service if the owner or customer fails to comply with this chapter within five days after receiving written notice of the city's intention to discontinue service. If noncompliance affects matters of public health or safety or other conditions that warrant such action, the city may discontinue water service immediately.

(Ord. No. 1700, Enacted, 03/03/2011)

4.99.040 Right to Administrative Review.

In the event of a discontinuation of water service, the customer shall have the right to request an administrative review of the decision pursuant to GRC 5.99.030.

(Ord. No. 1700, Enacted, 03/03/2011)

4.99.050 Authority to Inspect.

(1) The manager may enter any property, building or premises, in accordance with GRC 7.50.500 through GRC 7.50.520, to perform an inspection in order to ensure compliance with any provision of this chapter.

(2) As used in this section, inspection includes, but is not limited to, physical inspection of a property or facility, sampling, metering or recording on site activities, or reviewing and copying records, all as necessary to ensure compliance with this chapter.

(Ord. No. 1700, Enacted, 03/03/2011)

4.99.060 Fines, Penalties, and Other Enforcement Tools.

(1) Any condition caused or permitted to exist in violation of any provision of this chapter is a threat to public health and safety. Any such condition is unlawful and constitutes a nuisance.

(2) In addition to any other remedies provided herein, violation of any section of this chapter may be enforced as set forth in GRC Article 7.50, or as otherwise authorized by law.

(3) Unless otherwise specified, violation of any provision of this chapter may be subject to a fine or penalty in the maximum amount of \$1,000.

(4) Each day on which a violation occurs or continues is a separate offense and may be subject to a separate fine or penalty.

(Ord. No. 1700, Enacted, 03/03/2011)