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**GENERAL PROVISIONS**

**74.010. Purpose and Scope.**

(a) The purpose of this chapter is to establish uniform requirements for direct and indirect discharges of pollutants from nondomestic sources into the city's wastewater collection and treatment system and to ensure the city complies with all applicable state and federal laws. The objectives of this chapter are:

- (1) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the municipal wastewater system;
- (2) To prevent the introduction of pollutants into the municipal wastewater system which will pass inadequately treated through the municipal wastewater system into the waters of the state or the atmosphere, or which will otherwise be incompatible with the municipal wastewater system;
- (3) To ensure the quality of the treatment plant sludge allows its beneficial use;

- (4) To protect municipal personnel who may come into contact with sewage, sludge, and treated wastewater effluent in the course of their employment, and to protect the general public;
  - (5) To preserve the hydraulic capacity of the municipal wastewater system;
  - (6) To improve the opportunity to recycle and reclaim wastewater and sludge from the municipal wastewater system;
  - (7) To ensure the city complies with its NPDES permit and any other federal or state laws to which the municipal wastewater system is subject.
  - (8) To provide for the regulation of direct and indirect discharge into the municipal wastewater collection system, through the issuance of permits to certain nondomestic users and through enforcement of general requirements for other users;
  - (9) To authorize monitoring and enforcement activities, establish administrative review procedures, require user reporting, and provide for the setting of fees for the equitable distribution of costs resulting from the regulatory program established herein.
- (b) This chapter shall apply to all persons within the city and to persons outside the city who, by contract with the city or otherwise, are included as direct or indirect users of the municipal wastewater system. (Ord No. 13-96; Ord No. 65-2002)

**74.020. Administration.** Except as otherwise provided herein, the director shall administer, implement, and enforce the provisions of this chapter. Any powers granted to, or duties imposed upon, the director may be delegated by the director to other city personnel. The Environmental Services Supervisor is the duly authorized employee to sign annual reports required by 40 CFR 403.12(i), as required in 40CFR 403.12(m). (Ord No. 13-96; Ord No. 25-06)

**74.030. Definitions.** Unless the context specifically indicates otherwise, as used in this chapter, and in regulations and permits adopted pursuant to this chapter, the following mean:

- (a) The Act. The Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977, 33 U.S.C. 1251 et seq.
- (b) Authorized representative of the industrial user.
  - (1) If the industrial user is a corporation, authorized representative means an officer of the corporation, or any other person who has formal authority to perform similar policy or decision-making functions for the corporation.
  - (2) If the industrial user is a partnership, association, or sole proprietorship, an authorized representative means a general partner or the sole proprietor.
  - (3) If the industrial user is a federal, state, or local government, an authorized representative means a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility.
  - (4) Any authorized representative of an industrial user may designate another person to serve as an authorized representative, if the authorization is submitted to the city in writing and the authorization specifies the person having responsibility for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the industrial user.
- (c) BOD. Biochemical oxygen demand; the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20° centigrade expressed in terms of weight and concentration (milligrams per liter mg/l).
- (d) Categorical Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with 33 U.S.C. 1317(b) 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.
- (e) CFR. The Code of Federal Regulations
- (f) City. The City of Salem, Oregon.

- (g)** Clean Air Act. 42 U.S.C. 7401 et seq.
- (h)** Color. The optical density at the visual wavelength of maximum absorption, relative to distilled water [100 percent transmittance is equivalent to zero (0.0) optical density].
- (i)** Composite sample. The sample resulting from the combination of individual wastewater samples taken at selected intervals, based on either an increment of flow or time.
- (j)** Cooling water. The water discharged from any use to which the only pollutant added is heat, including uses such as air conditioning, cooling, or refrigeration.
- (k)** Control authority. The director, once the city has a pretreatment program approved by Oregon DEQ according to the provisions of 40 CFR 403.11.
- (l)** DEQ. The Oregon Department of Environmental Quality or, where the context indicates, the director or other duly authorized DEQ official.
- (m)** Director. The director of public works or the director's designee.
- (n)** Discharge. The introduction of pollutants into the municipal wastewater system from any nondomestic source regulated under 33 U.S.C. 1317(b), (c) or (d).
- (o)** EPA. The U.S. Environmental Protection Agency or, where the context indicates, the Regional Water Management Division Director of the EPA, or other duly authorized EPA official.
- (p)** Existing source. Any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards under 33 U.S.C. 1317(b) and (c) which standards will be applicable to the source if the standards are thereafter adopted in accordance with that section.
- (q)** Fundamentally Different Factors. Information not originally considered by EPA when pretreatment standards were developed affecting the discharge limits established for a certain industrial category or subcategory, which affects the discharge and makes it necessary to perform an individual analysis and adjustment of discharge limits on a case-by-case basis (40 CFR 403.13). The information can include the nature or quality of pollutants in the raw waste load of the users process wastewater, the volume of process wastewater, non-water quality environmental impact of control and treatment technology, energy requirements of control and treatment technology, cost of compliance with control technology, age, size, land availability, processes employed, process changes, and engineering aspects of the application of control technology.
- (r)** Grab sample. A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.
- (s)** Industrial user. A user that is a source of nondomestic pollutants.
- (t)** Industrial wastewater. Nondomestic wastewater originating from a nonresidential source.
- (u)** Interference. A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
  - (1)** Inhibits or disrupts the municipal wastewater system, its treatment processes or operations, or its sludge processes, use, or disposal; and
  - (2)** Causes a violation of the NPDES permit, including an increase in the magnitude or duration of a violation, or prevents the use or disposal of sewage sludge in compliance with 33 U.S.C. 1345, the Solid Waste Disposal Act; the Resource Conservation and Recovery Act; any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act the Clean Air Act; the Toxic Substances Control Act; or the Marine Protection Research and Sanctuaries Act; or any more stringent state or local regulations.
- (v)** Local limits. Specific prohibitions or limits on pollutants or pollutant parameters for wastewater discharged to the sanitary sewer, developed by the POTW as required by 40 CFR 403.5, to prevent pass through and/or interference in the POTW or which may result in the POTW violating its NPDES permit requirements.
- (w)** Marine Protection Research and Sanctuaries Act. 16 U.S.C.1431 et seq.
- (x)** Medical waste. Isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical

wastes, potentially contaminated laboratory wastes, or dialysis wastes.

**(y)** Municipal wastewater system. A publicly-owned municipal wastewater treatment works (POTW), as defined in 33 U.S.C. 1292(2), owned by the city, and including any appurtenances thereof, used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes, the means of conveyance of wastewater to the treatment plant, and sewers that convey wastewater to the treatment works from persons outside the city who are direct or indirect users of the publicly-owned municipal wastewater system.

**(z)** 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 33 U.S.C. 1317(c) which standards will be applicable to the source if such pretreatment standards are thereafter adopted 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 at 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 will 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 SRC 74.030(x)(1)(B) and (C), but otherwise alters, replaces, or adds to the existing process or production equipment at the site.

**(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 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.

**(aa)** Non-discharging Categorical Industrial User (NDCIU). Industrial user, who would otherwise be subject to Categorical Pretreatment Standards and requirements, that does not discharge or have the potential to discharge regulated industrial wastewater to the POTW.

**(bb)** Nondomestic pollutants. Any pollutants other than human waste and household gray water.

**(cc)** NPDES Permit. The National Pollutant Discharge Elimination System permit issued to the City

**(dd)** Obstruct. A discharge which blocks, closes or hinders passage, action or operation.

**(ee)** Pass through. A discharge which exits the treatment plant into the waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of the NPDES Permit, including an increase in the magnitude or duration of a violation.

- (ff)** Person. Any individual, partnership, copartnership, firm, company, corporation, limited liability company, association, joint stock company, trust, estate, any state, federal or local governmental entity or other entity in law or fact, and including the entity's, officers, officials, employees, agents, or assigns.
- (gg)** pH. The logarithm (base 10) of the reciprocal of the hydrogen ion concentration, expressed in moles per liter of solution.
- (hh)** Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, dirt, agricultural wastes, or other similar substances.
- (ii)** Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the municipal waste-water system. This reduction or alteration may be obtained by physical, chemical, or biological processes, by process changes, or by other means.
- (jj)** Pretreatment requirement. Any state or city substantive or procedural requirement related to pretreatment or discharge limitations, other than pretreatment standards, imposed on an industrial user.
- (kk)** Pretreatment standard. Any federal regulation containing pollutant discharge limits promulgated by EPA under 33 U.S.C. 1317(b) and (c) applicable to industrial users, including the general and specific prohibitions found in 40 CFR 403.5; any local limits developed by the city pursuant to 40 CFR 403.5(d).
- (ll)** Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain types or characteristics of wastewater, as established by EPA, DEQ, or the director.
- (mm)** Publicly owned treatment works (POTW). A treatment works as defined in 33 U.S.C. 1292(2), owned by the city, and including any appurtenances thereof, used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes, the means of conveyance of wastewater to the treatment plant, and sewers that convey wastewater to the treatment works from persons outside the city who are direct or indirect users of the publicly-owned municipal wastewater system.
- (nn)** Resource Conservation and Recovery Act. 42 U.S.C. 6901 *et seq.*
- (oo)** Waters of the state. The receiving streams or waters, which are contained within, flow through, or border upon the State of Oregon, or any portion thereof, including, but not limited to, all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private.
- (pp)** Residential users. Persons contributing only domestic sewage to the municipal wastewater system.
- (qq)** Sewage. The wastewater derived from human habitation and use of buildings for domestic, commercial, or industrial purpose, which is free from industrial waste and storm water drainage.
- (rr)** Significant industrial user.
- (1) A user subject to categorical pretreatment standards; or
  - (2) A user that:
    - (A) Discharges an average of 25,000 gallons per day or more of process wastewater into the municipal wastewater system, excluding sanitary, noncontact cooling, and boiler blow down wastewater;
    - (B) Contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the treatment plant; or
    - (C) Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the municipal wastewater system's operation or for violating any pretreatment standard or pretreatment requirement.

(ss) Slug. Any pollutant, including BOD, released in a nonroutine, episodic nature, including but not limited to, an accidental spill or noncustomary batch discharge at a flow rate or concentration which has the potential to cause interference or pass through or in any other way cause an adverse impact on the municipal wastewater system or in any other way violate the POTW's regulation's, local limits, or permit conditions of discharge prohibitions in SRC 74.050 through SRC 74.100.

(tt) Solid Waste Disposal Act. 42 U.S.C. 6901 et seq.

(uu) State. State of Oregon.

(vv) Stormwater. Any flow occurring as a result of any form of natural precipitation, including snowmelt.

(ww) TSS. Total suspended solids; the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

(xx) Toxicity. The effect upon living organisms resulting from exposure to one or more of the pollutants listed in EPA regulations promulgated under 33 U.S.C. 1317.

(yy) Toxic Substances Control Act. 15 U.S.C. 2601 et seq.

(zz) Treatment plant. That portion of the municipal wastewater system designed to provide treatment of sewage and industrial wastewater.

(aaa) Treatment plant effluent. Any discharge of treated wastewater which is permitted by NPDES Permit.

(bbb) User. Any person who contributes, or causes or allows the contribution of, sewage or industrial wastewater into the municipal wastewater system, including any person who contributes such wastes from mobile sources.

(ccc) Wastewater. The liquid and water-carried industrial wastes, or sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which is contributed to the municipal wastewater system. (Ord No. 13-96; Ord No. 51-96; Ord No. 65-2002; Ord No. 25-06)

**74.040. Interpretation.** As used in this chapter, unless the context clearly requires otherwise:

(a) "Shall" is mandatory; "may" is permissive or discretionary.

(b) The phrases "may not" and "shall not" are equivalent expressions of absolute prohibition.

(c) The use of the singular shall be construed to include the plural and the plural shall include the singular, unless otherwise indicated by the context of its use. (Ord No. 13-96; Ord No. 65-2002)

## **GENERAL SEWER USE REQUIREMENTS**

### **74.050. Prohibited Discharges.**

(a) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater into the municipal wastewater system which will cause interference or pass through, whether or not the user is subject to categorical pretreatment standards or any other pretreatment standards or requirements. These general prohibitions apply to all users of the municipal wastewater system.

(b) No user shall contribute any of the following substances into the municipal wastewater system, unless specifically authorized by the director and such discharge does not exceed specific prohibitions as found in 40 CFR 403.5(b) or other applicable pretreatment standards:

(1) Any liquids, solids, or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or to be injurious in any other way to the municipal wastewater system. Included in this prohibition are waste streams with a closed cup flashpoint of less than 140°F (60°C) using the test methods referred to in 40 CFR 261.21.

(2) Solid or viscous substances in amounts which will obstruct the flow in a sewer resulting in interference, but in no case solids greater than one-half-inch (1/2") (1.27 centimeters) in any dimension.

(3) Any fat, oils or grease, including but not limited to petroleum oil, non-biodegradable

- cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
- (4)** Any wastewater which may cause corrosive structural damage to the municipal wastewater system, endanger the health or safety of city personnel, cause damage to city equipment, or endanger biological activity of the municipal wastewater system.
  - (5)** Any wastewater containing pollutants in sufficient quantity, measured in flow or concentration, which, either singly or by interaction with other pollutants, will interfere with the municipal wastewater system, or cause pass through, or which constitute a hazard to humans or animals.
  - (6)** Any noxious or malodorous liquids, gases, or solids, or wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
  - (7)** Any substance which may cause the treatment plant effluent or any other residues, sludges, or scums to be unsuitable for reclamation and reuse or which may interfere with the reclamation process. In no case shall a substance discharged to the municipal wastewater system cause the city to violate sludge use or disposal regulations or permits issued under 33 U.S.C. 1345, the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state requirements applicable to the sludge use and disposal practices being used by the city.
  - (8)** Any wastewater, including, but not limited to, dye wastes and vegetable tanning solutions, which imparts color which cannot be removed by the treatment process, and thereby causes a violation of the NPDES Permit. Color, in combination with turbidity, shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10 percent from the seasonably established norm for aquatic life.
  - (9)** Any wastewater having a temperature greater than 150°F (65°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the point of introduction into the treatment plant to exceed 104°F (40°C).
  - (10)** Any wastewater containing any radioactive waste or isotopes, except as specifically approved by the director in compliance with applicable state or federal regulations.
  - (11)** Any pollutants which result in the presence of toxic gases, vapor, or fumes within the municipal wastewater system in a quantity that may affect worker health and safety.
  - (12)** Any trucked or hauled pollutants, except at discharge points designated by the city in accordance with SRC 74.180.
  - (13)** Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, cooling water, and unpolluted industrial wastewater, unless specifically authorized by the director.
  - (14)** Any sludge, screenings, or other residues from the pretreatment of industrial wastes.
  - (15)** Any medical wastes, except as specifically authorized by the director.
  - (16)** Any material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfere with the municipal wastewater system.
  - (17)** Any material identified as hazardous waste under 40 CFR Part 261, except as specifically authorized by the director.
  - (18)** Any wastewater causing the treatment plant effluent to demonstrate toxicity to test species during a biomonitoring evaluation.
  - (19)** Recognizable portions of the human or animal anatomy.
  - (20)** Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the municipal wastewater system.
- (c)** No user shall store or process wastes identified in subsection (b) of this section in such a manner that the wastes could be discharged into the municipal wastewater system. (Ord No. 13-96; Ord No. 14-98; Ord No. 65-2002; Ord No. 22-2003)



**74.055. Discharges to the Environment.**

- (a) No person shall discharge any sewage, domestic or industrial waste, pollutant, or hazardous material, to the environment.
- (b) Dischargers shall notify the director immediately upon discharging material in violation of this or other applicable sections of this Code to enable countermeasures to be taken to minimize damage to the environment. Notification of the director does not absolve the discharger of their responsibility to notify state and federal agencies under state and federal programs.
- (c) Above ground chemical tanks shall be protected by approved methods to prevent accidental discharge to sewers or the environment. All below ground tanks shall be installed in accordance with ORS Chapter 539.
- (d) When dikes or impounding basins are used to contain chemicals, impervious materials shall be used to provide a liquid tight enclosure. (Ord No. 65-2002)

**74.060. Cost Reimbursement.**

- (a) The party responsible for the prohibited discharge of wastewater or pollutants to the municipal wastewater system or the environment shall be responsible for all clean-up, response or repair costs related to the discharge, including, but not limited to costs incurred by the city for identification, hazard assessment, and containment.
- (b) A party may be required to perform clean up as a result of:
  - (1) Illegal disposal of hazardous materials or pollutants.
  - (2) Improper handling of hazardous materials or pollutants at any site.
  - (3) Spills of hazardous materials or pollutants into the municipal wastewater system or the environment.
  - (4) Discharge of hazardous materials or pollutants during a fire or other accident.
- (c) For the purposes of this section, reimbursement costs include those costs that are eligible, reasonable, necessary, and allocable to the incident, including, but not limited to the following:
  - (1) Disposable materials and supplies provided, consumed, or expended specifically for the purpose of the response.
  - (2) Compensation for employee time and effort devoted specifically to the response.
  - (3) Rental or leasing costs of equipment used specifically for the response.
  - (4) Replacement costs for equipment owned by the City that is contaminated beyond reuse or repair.
  - (5) Decontamination of equipment was used during the response.
  - (6) Costs of special technical service specifically required for the response.
  - (7) Any other special services or equipment specifically required for the response.
  - (8) Laboratory costs for the purpose of analyzing samples taken during the response. (Ord No. 65-2002)

**74.065. Federal Categorical Pretreatment Standards.**

- (a) Users subject to categorical pretreatment standards shall comply with applicable categorical pretreatment standards under 40 CFR Chapter 1, Subchapter N, Parts 405-471, and incorporated herein by reference.
- (b) When a categorical pretreatment standard is expressed in terms of either mass limits or concentration limits of a pollutant in wastewater, the director may impose either concentration or mass limits in accordance with 40 CFR 403.6(c).
- (c) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not subject to the same standard, the director shall impose an alternative limit using the combined waste stream formula in 40 CFR 403.6(e). Any significant change in the mixture shall be immediately reported to the director. (Ord No. 13-96; Formerly 74.060, Ord No. 65-2002)

**74.070. State Pretreatment Standards.** Users shall comply with applicable state pretreatment standards under OAR Chapter 340, which are incorporated herein by reference. (Ord No. 13-96; Ord No. 65-2002)

**74.080. Specific Local Pollutant Limits.**

(a) The director shall publish and revise from time to time local limits for specific restricted substances and applicable pH range limitations. These local limits shall be developed in accordance with 40 CFR Section 403.5 shall implement this chapter, and shall be applicable to all users, other than residential users. Pretreatment standards published in accordance with this section shall be deemed Pretreatment Standards for the purposes of 33 U.S.C. 1317(d).

(b) The director may impose mass limitations in addition to or in place of the concentration-based pretreatment standards. (Ord No. 13-96; Ord No. 14-98; Ord No. 65-2002)

**74.090. Special Agreements; Variance from Categorical Pretreatment Standard.**

(a) The director may enter into special agreements with industrial users setting out specific terms under which the industrial user may discharge into the municipal wastewater system. In no case will a special agreement waive compliance with a pretreatment standard, provided, however, the industrial user may request a net or gross adjustment to a categorical pretreatment standard in accordance with 40 CFR 403.15.

(b) Industrial users may request a variance from a categorical pretreatment standard from the EPA. Such a request will be approved only if the user can prove that factors relating to its discharge are fundamentally different from the factors considered by the EPA when establishing that categorical pretreatment standard. An industrial user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions under 40 CFR 403.13. (Ord No. 13-96; Ord No. 65-2002)

**74.100. Dilution.** No user shall increase the use of process water, or dilute, or in any way attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with a discharge limitation, unless expressly authorized by an applicable categorical pretreatment standard or requirement pursuant to 40 CFR 403.6(d), or by another pollutant-specific limitation developed by the director. (Ord No. 13-96; Ord No. 65-2002; Ord No. 22-2003)

**PRETREATMENT OF WASTEWATER**

**74.110. Pretreatment Required; Pretreatment Facilities.** Industrial users shall, within time limits specified by the director, provide necessary wastewater pretreatment, as required to comply with this chapter, and shall comply with all pretreatment standards and pretreatment requirements and the prohibitions under SRC 74.050 through SRC 74.100. Any facilities necessary to pretreat wastewater shall be provided, operated, and maintained at the industrial user's sole expense. Detailed plans of pretreatment facilities and copies of operating procedures shall be submitted to the city for review and acceptance prior to commencing construction of the facility. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce a discharge which complies with this chapter or a wastewater permit issued hereunder. (Ord No. 13-96; Ord No. 65-2002)

**74.120. Additional Pretreatment Measures.**

(a) When deemed necessary by, the director, industrial users shall restrict discharge during peak flows or during emergencies, discharge certain wastewater only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and be subject to such other conditions necessary to protect the municipal wastewater system and to determine the industrial user's compliance with this chapter or a wastewater discharge permit issued hereunder.

(b) The director may require any new source or any existing source undergoing major expansions

which is discharging wastewater into the municipal wastewater system in volumes greater than 100,000 gallons per day or greater than 5 percent of the average daily flow in the affected drainage basin, whichever is lesser, to install and maintain suitable storage and flow control facilities, to insure equalization of flow over a 24-hour period. Capacity of the facility shall be determined using sound engineering principles. A wastewater permit may be issued solely for flow equalization.

(c) Grease, oil, and sand interceptors shall be provided by users, other than residential users, when deemed necessary by the director for the proper operation of the wastewater collection system. All interceptors shall be of a type and capacity approved by the director and shall be so located to be easily accessible for cleaning and inspection. All interceptors shall be inspected, cleaned and repaired regularly, and the contents properly disposed of, as necessary at the owner's sole effort and expense.

(d) The director may require industrial users with the potential to discharge flammable substances to install and maintain an approved combustible gas detection meter.

(e) Wastes containing soil, dirt, or sand shall be settled in a detention basin or in a mechanical device approved by the director before being discharged into the municipal wastewater system.

(f) Industrial wastes shall be passed through approved 20-mesh screens (0.85mm sieve opening), unless otherwise allowed by the director.

(g) When pH adjustment is required to meet established pH limits, a recording pH meter shall be installed and maintained by the user. (Ord No. 13-96; Ord No. 65-2002; Ord No. 22-2003)

#### **74.130. Waste Monitoring Facilities Required.**

(a) When deemed necessary by the director, industrial users shall construct and maintain approved flow and pH measurement, sampling, and sample storage facilities for all waste entering the municipal wastewater system. These facilities may be used to obtain flow, BOD, pH, TSS, or other data required by the director for use as a basis for industrial waste sewer service charges.

(b) When in the opinion of the director, an industrial user's wastewater characteristics are of uniform strength, the director may allow for modified flow monitoring facilities which would provide for daily composite sampling a minimum of eight days out of two consecutive weeks every five months. The average of the samples may be used to calculate the industrial user's sewer charges for the following five month period.

(c) All private water sources for industrial users must be metered. If the director determines that the wastewater flow data is not reliable or unavailable for any period of time, the volume of water discharged for the period in question will be deemed to be the amount of inflow metered potable water including all private water sources.

(d) The director shall determine if an industrial waste loading is not uniform strength by at least four consecutive daily composite waste samples twice a year based on BOD, TSS or other parameters as approved by the director. If two consecutive measurements indicate strengths are not uniform, the industrial user shall construct and maintain measurement and sampling facilities as a basis for computing the user's sewer service charge.

(e) Laboratory analysis performed by the director or contracted by the city will be the basis for determining compliance with this section. (Ord No. 13-96; Ord No. 65-2002)

#### **74.140. Installation and Maintenance Waste Monitoring Facilities.**

(a) All devices, access facilities, and related equipment shall be installed by the person discharging the waste at the person's expense and shall be maintained by the person in a safe and proper operating condition at all times, readily accessible to the director during all times the industry is operating.

(b) The flow measurement device shall be a Parshall flume, or other flow measurement device acceptable to the director, providing accurate and continuous flow indication, but in no case shall pump timers or other indirect measurement devices be used for flow measurement.

- (c) The flow meter shall indicate and total the flow in millions of gallons per day with an error not exceeding plus or minus 2 percent. The meter shall be equipped with a set of electrical contacts arranged to momentarily close a circuit to energize the sampling device which will take a minimum of 50 samples per operating day. Other control variations will be acceptable if it can be demonstrated that the sampling procedure will result in a waste sample which is proportional to the waste flow. In no case shall the daily collected sample be less than two liters in volume.
- (d) The method of sampling used may be by continuous pumping past a solenoid-operated diversion valve, direct pumping into the sample container, continuous pumping past a sampler dipper calibrated to remove a constant sample, by a proportionate dipper sampler operating directly in the waste flow, or by any other approved means. The sample collection pipe or dipper cup shall be sized according to waste characteristics and approved by the director and the sample pump shall have a minimum capacity of three gallons per minute. The sample line shall not be interconnected to any other piping system. All samples must be continuously refrigerated at a temperature between 1° C and 4°C (34° F and 39°F).
- (e) The area for installation of the measuring and sampling equipment, pH monitoring system, and sample storage shall be fully enclosed, locked and protected from tampering and keys provided to the city. All measuring and sampling equipment shall be serviced and calibrated at least twice annually by a qualified independent technician approved by the director, with one service calibration to be done not more than two weeks prior to the peak season for seasonal processors. Maintenance, repair, replacement, or additional equipment needed to accurately monitor waste discharge shall be provided at the sole cost of the user. A clean sample container shall be supplied daily to the city sample collector to place in service.
- (f) All pH monitoring probes shall be cleaned as required by the director.
- (g) All sampling hoses, devices including valves and sample splitters, holding vessels and refrigerators used for holding or storing samples shall be cleaned and maintained so as to ensure true and accurate composite samples.
- (h) The flow measurement, pH monitoring, and sampling stations shall be located and constructed in a manner acceptable to the director. Complete plans on all phases of the proposed installation, including all equipment proposed for use, shall be submitted to the director for approval prior to construction. Construction shall be completed within 90 days following notification of approval by the city.
- (i) There shall be sufficient room in or near the sampling station to allow accurate sampling and preparation of samples for analysis.
- (j) The user discharging the waste shall keep flow records required by the director and shall provide qualified personnel to properly maintain and operate the facilities.
- (k) Calibration of flow meters, pH recorders, and samplers shall be performed at least twice annually by a qualified technician or at such intervals as may be required by the director. Maintenance and calibration adjustments shall be recorded daily and records shall be readily available to city inspectors. City inspectors may check calibration of flow and pH instruments. An approved electrical outlet shall be provided near the user's sample equipment for city equipment.
- (l) Maintenance schedules shall be made available to city inspectors, including, but not limited to, schedules for:
- (1) Cleaning sample collection tubes and containers;
  - (2) Operating the sample refrigeration system;
  - (3) Cleaning screening equipment; and
  - (4) Calibrating pH probes and chemical feed equipment.
- (m) pH monitoring and control equipment shall be of a type approved by the director and shall be equipped with a circular or strip chart recorder. The recording for pH monitoring shall show a minimum of 24 hours of data with indication of the presence or absence of flows. (Ord No. 13-96; Ord No. 65-2002)

**74.150. Accidental Spill Prevention Plans.**

(a) At least once every two years, the director shall evaluate whether each significant industrial user needs an accidental spill prevention or slug control plan to provide protection from accidental or slug discharge of materials which may interfere with the municipal wastewater system. Facilities necessary to implement these plans shall be provided and maintained at the industrial user's expense. Spill prevention or slug control plans, including the facilities and the operating procedures, shall be approved by the city prior to implementation.

(b) Industrial users that store hazardous substances shall not contribute to the municipal wastewater system unless a spill prevention or slug control plan has been approved by the city. Approval of a plan shall not relieve the industrial user from complying with all other laws and regulations governing the use, storage, and transportation of hazardous substances. Significant industrial users are required to notify the POTW immediately of any changes at its facility affecting potential for an accidental or slug discharge.

(c) At a minimum, an accidental spill prevention or slug control plan shall contain the following:

- (1) Description of discharge practices, including nonroutine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the city of any accidental or slug discharge; and
- (4) Procedures to prevent adverse impacts from any accidental or slug discharges, including, but not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, controlling of plant site runoff, training workers, building of containment structures or equipment, measures for containing toxic organic pollutants including solvents, and measures and equipment for emergency response. (Ord No. 13-96; Ord No. 65-2002; Ord No. 22-2003; Ord No. 25-06)

**74.160. Tenant Responsibility.** Any person who occupies premises as a tenant and is an industrial user shall comply with the provisions of this chapter. (Ord No. 13-96; Ord No. 65-2002)

**74.170. Separation of Domestic and Industrial Waste Streams.** All domestic wastewater from an industrial user's rest rooms, showers, drinking fountains, and other similar uses, shall, unless specifically included as part of a pretreatment standard or requirement, be kept separate from all industrial wastewater until the industrial wastewater has passed through the pretreatment system and the industrial user's monitoring facility. When directed to do so by the director, industrial users must separate existing domestic waste streams. (Ord No. 13-96; Ord No. 65-2002)

**74.180. Hauled Wastewater.**

(a) Domestic septic tank waste may be accepted into the municipal wastewater system at the city's designated disposal site within the collection system, at such times as may be established by the director, provided such wastes are domestic waste, do not contain toxic or hazardous pollutants, and do not violate any other requirements established by the city. Permits for individual vehicles to use such facilities shall be issued by the director.

(b) Septic haulers, regardless of the origin of the hauled wastes, shall be considered industrial users for the purposes of this chapter.

(c) The discharge of hauled industrial wastewater as industrial septage requires prior approval and a wastewater permit from the city. The director shall have authority to prohibit the disposal of such wastes, if such disposal would interfere with the treatment plant operation. (Ord No. 13-96; Ord No. 65-2002)

**74.190. Incentive Program.** Because the overall interests of the city are best served by encouraging the pretreatment of wastewater, the director shall administer a pretreatment grant program in accordance with departmental policy, and subject to the availability of budgeted funds. (Ord No. 13-96; Ord No. 65-2002)

**74.200. Vandalism.** No person shall intentionally or negligently break, damage, destroy, uncover, deface, tamper with, or prevent access to any structure, equipment, or other part of or appurtenance to, the municipal wastewater system. (Ord No. 13-96; Ord No. 65-2002)

#### **WASTEWATER PERMIT ELIGIBILITY**

**74.210. Wastewater Survey.** When requested an industrial user must submit information on a survey form prepared by the director, prior to commencing discharge into the municipal wastewater system, identifying the nature and characteristics of the user's wastewater. The director may periodically require industrial users to update the survey. Failure to complete this survey within the time set by the director shall be grounds for terminating service to the industrial user. (Ord No. 13-96; Ord No. 65-2002)

#### **74.220. Discharges Prohibited Without a Permit.**

- (a) No significant industrial user shall discharge wastewater into the city's municipal wastewater system without first obtaining a wastewater permit.
- (b) No permittee shall violate the terms and conditions of a wastewater permit issued pursuant to this chapter. Obtaining a wastewater permit shall not relieve a permittee from the obligation to obtain other permits required by federal, state, or local law.
- (c) The director may require other industrial users, including liquid waste haulers, to obtain wastewater permits. (Ord No. 13-96; Ord No. 65-2002)

**74.230. Permitting Existing Connections. Permitting Existing Connections.** Any significant industrial user, not already possessing a permit, that discharges industrial waste into the municipal wastewater system prior to the effective date of this chapter and who wishes to continue such discharges in the future, shall, within 90 days after the effective date, apply to the city for a wastewater permit in accordance with SRC 74.260, and shall not cause or allow discharges to the system to continue after 180 days of the effective date except in accordance with a permit issued by the director. (Ord No. 13-96; Ord No. 65-2002)

#### **74.240. Permitting New or Renewed Connections.**

- (a) Any significant industrial user proposing to begin or to recommence discharging industrial wastes directly or indirectly into the municipal wastewater system must obtain a wastewater permit prior to beginning or recommencing such discharge.
- (b) An application for a permit renewal must be received at least ninety days before the current permit expires. (Ord No. 13-96; Ord No. 65-2002; Ord 6-12)

#### **74.250. Extrajurisdictional Industrial User Treatment Permits.**

- (a) Any new or existing significant industrial user located outside the city limits proposing to begin or to recommence discharging industrial wastes directly or indirectly into the municipal wastewater system must obtain a wastewater permit prior to beginning or recommencing such discharge. The director may issue an extraterritorial treatment permit to the industrial user which shall include all permitting, compliance monitoring, reporting, and enforcement provisions contained in this Chapter.
- (b) An application for an Extrajurisdictional Industrial User Treatment Permit renewal must be received at least ninety days before the current permit expires.
- (c) In lieu of extraterritorial treatment permits, the director may enter into an intergovernmental agreement with the jurisdiction in which the significant industrial user is located to provide for the implementation and enforcement of a pretreatment program for the user. Any agreement made under this subsection shall be subject to treatment plant capacity. (Ord No. 13-96; Ord No. 65-2002; Ord 6-12)

**74.260. Wastewater Permit Application Contents.**

(a) All industrial users required to have a permit must submit the following information on an application form approved by the director:

- (1) The user's name, mailing address, and, if different from the user's mailing address, the location of the facility;
- (2) Environmental control permits held by or for the facility;
- (3) Standard Industrial Classification Codes for the pretreatment industry as a whole and any processes for which categorical pretreatment standards have been promulgated;
- (4) Description of activities, facilities, and plant processes at the facility, including a list of all raw materials and chemicals which are or could be accidentally or intentionally discharged to the municipal wastewater system;
- (5) Number and type of employees, hours of operation of the facility, and proposed or actual hours of operation of the pretreatment system;
- (6) Each product by type, amount, process or processes, and rate of production;
- (7) Type and amount of raw materials processed, as averages and maximums per day;
- (8) The site plans, floor plans, and mechanical and plumbing plans and details to show all sewers, floor drains, and appurtenances by size, location and elevation, and all points of discharge at the facility;
- (9) Time and duration of discharges;
- (10) Measured average daily and maximum daily flow, in gallons per day, into the municipal wastewater system from regulated process streams and other streams, as necessary for the use of the combined waste stream formula in 40 CFR 403.6(e);
- (11) Daily maximum, daily average, and monthly average wastewater flow rates, including daily, monthly, and seasonable variations, if any;
- (12) Wastewater constituents and characteristics, including any pollutants in the discharge which are limited by pretreatment standards or pretreatment requirements, the pretreatment standards or pretreatment requirements applicable to each regulated process, and the nature and concentration of regulated pollutants in each regulated process, or mass and daily maximum and average concentration or mass when required by a pretreatment standard. Sampling and analysis shall be undertaken in accordance with 40 CFR Part 136;
- (13) A statement by the industrial user's authorized representative indicating the pretreatment standards and pretreatment requirements are being met for existing sources or will be met for new sources on a consistent basis and, if not, what additional pretreatment is necessary;
- (14) If additional pretreatment and/or operations and maintenance will be required to meet the pretreatment standards or pretreatment requirements, then the industrial user shall indicate the shortest time schedule necessary to accomplish installation or adoption of such additional pretreatment and/or operations and maintenance. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard or pretreatment requirement. The following conditions shall apply to this schedule:
  - (A) No increment set forth in this schedule shall exceed nine months, nor shall the total compliance period exceed 36 months;
  - (B) Progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment facilities required of the user to meet the applicable pretreatment standards and pretreatment requirements, including, but not limited to, hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, beginning operation, and conducting routine operation; and
  - (C) No 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 director including, at a minimum, whether or not the user has complied with the progress increment, the reason

for any delay, and if appropriate, the steps being taken by the user to return to the established schedule. In no event shall more than nine months elapse between any progress report to the director.

(15) Any other information deemed necessary to evaluate the permit application.

(b) Incomplete or inaccurate applications will not be deemed complete, and will be returned to the industrial user for correction or revision. (Ord No. 13-96; Ord No. 65-2002)

**74.270. Signatories and Certification.** All permit applications and industrial user reports must contain a certification statement as required by 40 CFR 403.6(a)(2)(ii) and be signed by an authorized representative of the industrial user. (Ord No. 13-96; Ord No. 65-2002; Ord No. 22-2003)

#### **74.280. ISSUANCE OF WASTEWATER PERMITS.**

(a) Within 60 days of the date the director deems a permit application complete, the director will evaluate the data furnished by the industrial user and determine whether a wastewater permit should be issued.

(b) If any wastewater proposed to be discharged to the municipal wastewater system contains substances identified or possesses the characteristics enumerated in SRC 74.050 which, in the judgment of the director, may have a deleterious effect upon the municipal wastewater system, processes, equipment, or waters of the state, or otherwise create a hazard to life or constitute a public nuisance, the director may:

(1) Refuse to permit the discharge;

(2) Require pretreatment to an acceptable condition for discharge into the municipal wastewater system; or

(3) Require control over the quantities and rates of discharge. (Ord No. 13-96; Ord No. 65-2002)

#### **WASTEWATER PERMIT ISSUANCE PROCESS**

**74.290. Wastewater Permit Duration.** Permits shall be issued for a time period specified by the director, not to exceed five years. Each permit shall indicate the specific date upon which it will expire. (Ord No. 13-96; Ord No. 65-2002)

**74.300. Wastewater Permit Contents.** A wastewater permit shall include such conditions deemed reasonably necessary by the director to prevent pass through or interference and to implement the objectives of this chapter.

(a) Wastewater permits shall, at a minimum, contain:

(1) A statement of permit duration;

(2) A statement the permit is nontransferable;

(3) Effluent limits applicable to the industrial user, including Best Management Practices, based on applicable pretreatment standards in 40 CFR Part 403, categorical pretreatment requirements, local limits, and state and local law;

(4) Monitoring, sampling, reporting, notification, and record keeping requirements, including an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;

(5) Statement of applicable penalties for violation of pretreatment standards, pretreatment requirements, and compliance schedules; and

(6) Requirements to control spills or slug discharges as determined necessary by the POTW, including conditions for emergency suspension of the permit, or conditions thereof.

(b) Permits may contain:

(1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(2) Limits on the instantaneous daily and monthly average, and/or maximum concentration,



mass, or other measure of identified wastewater pollutants or properties;

(3) Requirements for the installation of pretreatment technology or construction of appropriate containment devices or other similar technologies or devices designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

(4) Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges;

(5) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the municipal wastewater system;

(6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;

(7) Specifications for monitoring programs, which may include designation of sampling locations and frequency of sampling; the number, types, and standards for tests; and reporting schedules;

(8) Requirements for immediate reporting of any instance of noncompliance and for automatic resampling and reporting within 30 days of such noncompliance where monitoring indicates a violation;

(9) Compliance schedules for meeting pretreatment standards and pretreatment requirements;

(10) Requirements for submission of periodic monitoring or special notification reports;

(11) Requirements for maintaining and retaining plant records relating to wastewater discharge pursuant to SRC 74.450 and 74.460, and affording the director or his access thereto;

(12) Requirements for prior notification and approval by the director of any introduction of new wastewater pollutants or any change in the volume or character of wastewater prior to introduction in the municipal wastewater system;

(13) Requirements for prior notification to and approval by the director of any change in the manufacturing and/or pretreatment process;

(14) Requirements for immediate notification of excessive, accidental, or slug discharges, or other discharge which may cause any problems to the municipal wastewater system;

(15) A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards and pretreatment requirements, including those which become effective during the term of the permit; and

(16) Other conditions deemed appropriate by the director to ensure compliance with this chapter; state and federal laws, rules, and regulations; and the terms of the permit. (Ord No. 13-96; Ord No. 65-2002; Ord No. 25-06)

**74.310. Wastewater Permit Appeals.** Any person, including the permittee, may appeal the conditions imposed in a permit, or the issuance or denial of a permit within ten days of the issuance of the final permit by filing a notice of appeal, as provided for in SRC 74.625.

(a) Failure to submit a timely notice of appeal shall be a waiver of all rights to administrative review.

(b) In addition to the requirements in SRC 74.625, the appellant shall indicate the specific objection, the reasons for the objection, and alternative conditions, if any, the appellant seeks to have placed in the permit.

(c) The effectiveness of the permit shall not be stayed pending resolution of appeal. (Ord No. 13-96; Ord No. 65-2002)

**74.320. Wastewater Permit Modifications.**

(a) The director may modify a permit for good cause including, but not limited to, the following:

(1) To incorporate any newly revised federal, state, or local pretreatment standards or pretreatment requirements;

- (2) To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of permit issuance;
  - (3) A change in the municipal wastewater system that requires either a temporary or permanent reduction or elimination of the permitted discharge;
  - (4) Information indicating that the permitted discharge poses a threat to the municipal wastewater system, city personnel, or waters of the state;
  - (5) Violation of any terms or conditions of the wastewater permit;
  - (6) Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting;
  - (7) A revision or grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13; or
  - (8) To correct typographical or other errors in the permit.
- (b) The filing of a request by the permittee for a permit modification does not stay any permit condition. (Ord No. 13-96; Ord No. 65-2002)

**74.330. Wastewater Permit Transfer.** Permits may not be reassigned or transferred from the permittee to a new industrial user. (Ord No. 13-96; Ord No. 65-2002)

**74.340. Wastewater Permit Reissuance.** A significant industrial user shall apply for permit reissuance by submitting a complete permit application in accordance with SRC 74.260 no later than 90 days prior to the expiration of the user's permit. (Ord No. 13-96; Ord No. 65-2002)

## **REPORTING REQUIREMENTS**

### **74.350. Baseline Monitoring Reports.**

- (a) Within 180 days after the effective date of the adoption of a categorical pretreatment standard, or 180 days after the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards and discharging into or scheduled to discharge into the municipal wastewater system shall submit a report to the city.
- (b) At least 90 days prior to commencement of any discharge, new sources, including industrial users which have changed their operation or processes, shall submit a report to the city. A new source shall also report the method it intends to use to meet applicable pretreatment standards and pretreatment requirements, and give estimates of its anticipated flow and quantity of pollutants to be discharged.
- (c) Each report submitted under subsections (a) and (b) of this section shall include:
  - (1) Identifying information. The industrial user shall submit the name and address of the facility including the name of the operator and owners.
  - (2) Permits. The industrial user shall submit a list of any environmental control permits held by or for the facility.
  - (3) Description of operation. The industrial user shall submit a brief description of the nature, average rate of production, and standard industrial classifications of the operation carried out by the user. This description shall include a schematic process diagram which indicates points of discharge into the municipal wastewater system from the regulated processes.
  - (4) Flow measurement. The user shall submit information showing the measured average daily and maximum daily flow in gallons per day into the municipal wastewater system from regulated process streams and other streams, as may be necessary to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
  - (5) Measurement of pollutants.
    - (A) The industrial user shall identify the categorical pretreatment standards applicable to each regulated process.
    - (B) The industrial user shall submit the results of sampling and analysis identifying the

nature and concentration, and/or mass, where required by the pretreatment standards or director of regulated pollutants in the discharge from each regulated process. Both daily maximum and long-term average concentrations, or mass where required, shall be reported. The sample shall be representative of daily operations and shall be performed in accordance with procedures set out in 40 CFR Part 136. Where the standard requires compliance with Best Management Practices or pollution prevention alternatives, the user shall submit documentation as required by the control authority or the applicable standard to determine compliance with the standard.

**(C)** A minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. All other pollutants will be measured by composite samples obtained through flow proportional sampling technique. If flow proportional composite sampling is infeasible, samples may be obtained through time proportional sampling techniques or four grab samples if the user proves to the satisfaction of the director that such a sample will be representative of the discharge.

**(D)** Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e) in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e), this adjusted limit along with supporting data shall be submitted to the control authority.

**(E)** Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the administrator determines that the 40 CFR Part 136 sampling or analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the administrator.

**(F)** The control authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

**(G)** The baseline report shall indicate the time, date, and place of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

**(6)** Special certification. A statement, reviewed by an authorized representative of the industrial user and certified by a qualified professional, indicating whether pretreatment standards and pretreatment requirements are being met on a consistent basis and, if not, whether additional operations and maintenance and/or additional pretreatment is required in order to meet the pretreatment standards and pretreatment requirements; and

**(7)** Compliance schedule. If additional pretreatment and/or operations and maintenance will be required to meet the pretreatment standards and pretreatment requirements, the user must provide the shortest schedule by which the industrial user will meet such additional pretreatment and/or operations and maintenance. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard or pretreatment requirement. A compliance schedule pursuant to this section must meet the requirements set out in SRC 74.260(a)(14).

**(8)** All baseline monitoring reports must comply with SRC 74.270.

**(A)** Where the industrial user's categorical pretreatment standard has been modified by a removal allowance (40 CFR 403.7), the combined wastestream formula [40 CFR

403.6(e)], and/or a Fundamentally Different Factors variance (40 CFR 403.13) at the time the User submits the report required by this section, the information required by paragraphs (c)(6) and (7) of this section shall pertain to the modified limits.

(B) If the categorical pretreatment standard is modified by a removal allowance, (40 CFR 403.7), the combined wastestream formula [40 CFR 403.6(e)], and/or a Fundamentally Different Factors variance after the user submits the report required by this section, any necessary amendments to the information requested by paragraphs (c)(6) and (7) of this section shall be submitted by the user to the control authority within 60 days after the modified limit is approved. (Ord No. 13-96; Ord No. 65-2002; Ord No. 22-2003; Ord No. 25-06)

**74.360. Compliance Deadline Reports.** Within 90 days following the date for final compliance with applicable categorical pretreatment standards, pretreatment standards or pretreatment requirements, or in the case of a new source following commencement of the introduction of wastewater into the municipal wastewater system, an industrial user subject to such pretreatment standards and pretreatment requirements shall submit a report to the city containing the information described in 40 CFR 403.12 (b) (4-6), 403.12(d), and 403.12(l). For industrial users subject to equivalent mass or concentration limits established in accordance with 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to other measure of operation, this report shall include the user's actual production during the appropriate sampling period. All compliance reports must comply with SRC 74.270. All wastewater samples must be representative of the industrial user's discharge and meet sampling and analytical requirements of 40 CFR 136. (Ord No. 13-96; Ord No. 65-2002; Ord No. 22-2003)

**74.370. Periodic Compliance Reports.**

(a) Any significant industrial user, including non-categorical users, subject to a pretreatment standard or pretreatment requirement shall, at a frequency determined by the director, but in no case less than twice per year, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by the pretreatment standards or pretreatment requirements and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must comply with SRC 74.270.

(b) All wastewater samples must be representative of the industrial user's discharge and meet sampling and analytical requirements of 40 CFR 136 and reporting and sampling requirements of 40 CFR 403.12. The failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim sample results are unrepresentative of its discharge.

(c) If an industrial user's monitoring results indicate a violation has occurred, the industrial user shall:

(1) Immediately notify the director and resample its discharge within 24 hours of becoming aware of the violation; and

(2) Report the results of repeated sampling within 24 hours of receiving the results. In no case shall the results of resampling be reported later than 30 days from the discovery of the violation. (Ord No. 13-96; Ord No. 65-2002; Ord No. 22-2003; Ord No. 25-06)

**74.380. Report of Changed Conditions.**

(a) Each industrial user shall notify the director of any planned significant changes to the industrial user's operations or pretreatment systems which might alter the nature, quality, or volume of its wastewater as required by CFR 403.12(j).

(b) The director may require the industrial user to submit such information deemed necessary to evaluate the changed conditions, including the submission of a wastewater permit application under SRC 74.260.

- (c) The director may issue a wastewater permit for the planned changed condition under SRC 74.280 or modify an existing wastewater permit under SRC 74.320.
- (d) No industrial user shall implement a planned changed condition until and unless the director has responded to the industrial user's notice.
- (e) For purposes of this section, flow increases or decreases of 20 percent or more or the discharge of any previously unreported pollutant shall be deemed significant. (Ord No. 13-96; Ord No. 65-2002; Ord No. 22-2003)

**74.390. Reports of Potential Problems.**

- (a) If an accidental, slug, or other discharge occurs which may cause problems for the municipal wastewater system, the user shall immediately notify the city by telephone of the incident. Notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- (b) Unless waived by the director, within five days following an accidental discharge, the user shall submit a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any fines, civil penalties, expense, loss, damage, or other liability which may be incurred or imposed as a result of damage to the municipal wastewater system, natural resources, or persons or property.
- (c) Failure to notify the city of potential problem discharges shall be deemed a separate violation of this chapter.
- (d) Industrial users shall prominently post a notice on a bulletin board or other similar place readily accessible to the user's employees, advising the employees of whom to call in the event of a potential problem discharge, and shall train all employees in the emergency notification procedure.
- (e) Where the city has performed the sampling and analysis in lieu of the industrial user, the control authority must perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat analysis as required in SRC 74.370 (b)(c). Resampling may not be required if:
  - (1) The City performs sampling at the industrial user at a frequency of at least once per month, or
  - (2) The City performs sampling at the user between the time when the initial sampling was conducted and the time when the user or the control authority receives the results of this sampling.
  - (3) Cost to the City for repeat analysis may be recouped per SRC 74.430. (Ord No. 13-96; Ord No. 65-2002; Ord No. 25-06)

**74.400. Reports from Noncategorical Users.** All industrial users who are not subject to categorical pretreatment standards or who are required to obtain a wastewater permit shall provide such reports as the director may require. (Ord No. 13-96; Ord No. 65-2002)

**74.410. Sample Collection.** Wastewater samples collected for purposes of determining industrial user compliance with pretreatment standards and pretreatment requirements must be obtained using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the director may authorize the use of time proportional sampling. Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be obtained using grab sample collection techniques described in SRC 74.350(c)(5)(C). (Ord No. 13-96; Ord No. 65-2002)

**74.420. Analytical Requirements.** All pollutant analyses, including sampling techniques, to be submitted as part of a permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant

in question, perform analyses in accordance with procedures approved by the EPA administrator. (Ord No. 13-96)

**74.430. Monitoring Charges.** All costs incurred by the city in collecting and analyzing samples of the industrial user's discharge shall be added to and become a part of the industrial user's sewer charges. (Ord No. 13-96; Ord No. 65-2002)

**74.440. Timing.** Written reports will be deemed transmitted at the time of deposit, postage prepaid, into a United States Postal Service mail facility. (Ord No. 13-96; Ord No. 65-2002)

**74.450. Record Keeping.** All users subject to pretreatment standards and pretreatment requirements, including industrial and categorical users, significant industrial users, permitted non-significant industrial users, and non-domestic business and commercial facilities, including users subject to Resource Conservation and Recovery Act reporting requirements, shall retain and make available for inspection and copying, all records and information, including documents associated with Best Management Practices, required to be retained under 40 CFR 403.12(e), (h), (o) and (p) and the Oregon Administrative Rules Record Retention Schedule for pretreatment program records, OAR 166-200-0120. Records shall remain available for a period of at least five years, for the duration of any litigation concerning compliance with this chapter or for any other retention period designated by DEQ or EPA, whichever is longest. (Ord No. 13-96; Ord No. 65-2002; Ord No. 25-06)

**74.455. RCRA Notification.** In compliance with 40 CFR 403.12 (p), Industrial users shall notify the director, EPA, and DEQ in writing of any discharge into the municipal wastewater system of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. (Ord No. 22-2003)

**74.460. Reporting of Additional Monitoring.** If a categorical industrial user or non- categorical significant industrial user is subject to the periodic compliance reporting and pollution monitoring requirements of 40 CFR 403.12(e) and (h), requiring the submission of periodic compliance reports and monitors any pollutant more frequently than required by the city using the procedures prescribed in 40 CFR Part 136, the results shall be included in the periodic monitoring report provided to the city pursuant to 40 CFR 403.12(g)(5). (Ord No. 13-96; Ord No. 65-2002; Ord No. 22-2003)

**74.470. Reports of Significant Production Change.** An industrial user operating under a waste discharge permit incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the city within two business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the city of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long-term average production rate. (Ord No. 13-96; Ord No. 65-2002)

## COMPLIANCE

### **74.480. Inspection and Sampling.**

(a) An industrial user shall allow the city to enter the facilities of the user without unreasonable delay, to ascertain whether the user is complying with pretreatment standards and pretreatment requirements. Industrial users shall allow the director 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.

(b) If an industrial user has security measures which require identification and clearance before entry, the industrial user shall make necessary arrangements with its security guards so that upon presentation of proper identification personnel from the city, state, and the EPA will be permitted entry without unreasonable delay to perform their specific responsibilities.

(c) The city, state, and the EPA shall have the right to set up or require installation of such devices as are necessary to conduct sampling and/or metering of the industrial user's operations.

(d) The city may require the industrial user to install all necessary monitoring equipment. The facility's sampling and monitoring equipment shall be maintained at all times in safe and proper operating condition by the industrial user at the industrial user's expense. All devices used to measure wastewater flow and quality shall be calibrated at least twice yearly by a qualified technician to ensure accuracy.

(e) Any obstruction to safe and easy access to the industrial facility shall be promptly removed by the industrial user at the request of the director and shall not be replaced. The costs of removal shall be borne by the industrial user.

(f) Unreasonable delays in allowing city personnel access to the industrial user's premises shall be a violation of this chapter. (Ord No. 13-96; Ord No. 65-2002)

**74.490. Search Warrants.** If the director is refused access to a building, structure, or property, or any part thereof, and has probable cause to believe there may be a violation to this chapter or needs to conduct an inspection as part of a routine program designed to protect the overall public health, safety, and welfare of the community, the director may apply for a search warrant. The application shall identify the specific location to be searched, and shall specify what locations may be searched and what property may be seized. After issuance, the warrant shall be served at reasonable hours by the director. (Ord No. 13-96; Ord No. 65-2002)

## **CONFIDENTIAL INFORMATION**

### **74.500. Confidential Information.**

(a) Information and data on an industrial user obtained from reports, questionnaires, permit applications, permits, monitoring programs, and city inspection and sampling activities shall be available to the public without restriction unless the industrial user specifically requests and is able to demonstrate to the satisfaction of the city attorney that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets, and are exempt from disclosure under applicable law.

(b) Wastewater constituents and characteristics and other effluent data as defined by 40 CFR 2.302 are not confidential and will be available to the public without restriction.

(c) Any information determined to be exempt from disclosure under subsection (a) of this section shall remain confidential, and portions of a report which might disclose trade secrets or secret processes shall not be available for public inspection, provided that such information shall be made available to governmental agencies for uses related to this chapter or the NPDES program. Notwithstanding subsection (a) of this section, no information is confidential if the information is relevant to, and necessary for, enforcement proceedings involving the person furnishing the report.

(d) For the purposes of this section, a specific request is made when the words "confidential business information" are stamped on each page containing such information. If no such specific request is made at the time of furnishing the report, the city may make the information available to the public without further notice.

(e) All costs, expenses and attorneys fees associated with defending a request for confidential information shall be the responsibility of the industrial user requesting confidentiality. (Ord No. 13-96; Ord No. 65-2002)

## **PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE**

### **74.510. Publication of Users in Significant Noncompliance.**

(a) The city shall annually publish in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW a list of all industrial users that were in significant noncompliance with applicable pretreatment standards and pretreatment requirements at any time during the previous twelve months.

(b) For the purposes of this section, significant noncompliance means one or more of the following:

- (1) Sixty-six percent or more of wastewater measurements taken during a six-month period exceeded the discharge limit for the same pollutant by any amount, including instantaneous limits, as defined in 40 CFR 403.3(i).
- (2) Technical review criteria violations are defined as thirty-three percent or more of wastewater measurements taken for the same pollutant parameter during a six-month period equaled or exceeded the product of the numeric pretreatment standard or requirement, including instantaneous limits as defined in 40 CFR 403.3(i) multiplied by the following factors:
  - (A) 1.4 for BOD, TSS, fats, oils and grease; and
  - (B) 1.2 for all other pollutants except pH.
- (3) Any other discharge that has caused, alone or in combination with other discharges, interference or pass through or endangered the health of city personnel or the general public.
- (4) Any discharge of pollutants that caused imminent endangerment to the public or the environment or resulted in the city's exercise of emergency authority.
- (5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a permit or enforcement order for starting or completing construction, or attaining final compliance.
- (6) Failure to provide within 30 days after the due date, any required reports, such as baseline monitoring reports; 90-day compliance reports; periodic monitoring reports; and reports on compliance, with compliance schedules.
- (7) Failure to accurately report noncompliance.
- (8) Any other violation, or group of violations, designated as significant by the city which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local pretreatment program. (Ord No. 13-96; Ord No. 65-2002; Ord No. 22-2003; Ord 25-06)

## **ENFORCEMENT REMEDIES**

**74.520. Notification of Violation.** Whenever any industrial user has violated or is violating this chapter, a wastewater permit or order issued hereunder, or any pretreatment standard or pretreatment requirement, the director may issue a written notice of violation. Within ten days of the receipt of this notice, the industrial user shall submit an explanation of the violation and a detailed plan for the satisfactory correction of the violation and the prevention of future violation. Submission of this plan does not relieve the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the city authority to take emergency action without first issuing a notice of violation. (Ord No. 13-96; Ord No. 65-2002)

**74.530. Consent Orders.** The director may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with an industrial user to resolve issues of noncompliance. Such orders shall include the specific action to be taken by the industrial user to correct noncompliance within a time period specified in the order. Consent orders shall be judicially enforceable, and any costs, including attorney's fees, incurred by the city in seeking such enforcement shall be assessed against the industrial user as part of any judgment entered therein. (Ord No. 13-96; Ord No. 65-2002)

**74.540. Compliance Orders.** When the director finds an industrial user has violated or continues to violate any provision of this chapter, or a permit or order issued hereunder, or any pretreatment standard or pretreatment requirement, the director may issue an order discontinuing the industrial user's sewer service unless compliance is obtained within a time certain stated in the order. Compliance orders may contain other requirements necessary and appropriate to correct noncompliance, including additional monitoring and changes to management practices designed to minimize the amount of pollutants discharged to the



municipal wastewater system. The director may require additional monitoring for at least 90 days after consistent compliance has been achieved, after which monitoring conditions set forth in industrial user's discharge permit shall be followed. (Ord No. 13-96; Ord No. 65-2002)

**74.550. Cease and Desist Orders.**

(a) When an industrial user has violated or continues to violate any provision of this chapter, permits or orders issued hereunder, or any pretreatment standard or pretreatment requirement, the director may issue a notice and proposed order to the industrial user to cease and desist all such violations and commanding the user to:

- (1) Immediately comply with all requirements.
- (2) Take such appropriate remedial or preventive action as may be needed to properly address the continuing or threatened violation, including halting operations and/or terminating the discharge.

(b) The director may order any industrial user that causes or contributes to a violation of this chapter, wastewater permits or orders issued hereunder, or any pretreatment standard or pretreatment requirement to appear and show cause why a cease and desist order should not be issued.

(c) Notice shall be served on the industrial user specifying the time and place for hearing, the nature of the proposed enforcement action, the reasons for such action, and a direction that the user appear and show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served upon the industrial user or the user's authorized representative, personally or by registered or certified mail, return receipt requested, at least ten days prior to the hearing. A cease and desist order may be issued immediately following the hearing. (Ord No. 13-96; Ord No. 65-2002)

**74.560. Emergency Suspensions.**

(a) The director may immediately suspend any user's discharge that threatens to interfere with the operation of the municipal wastewater system, endangers the environment, or may cause violation of the NPDES Permit.

(b) Any user notified of a suspension of its discharge shall immediately terminate all discharges into the municipal wastewater system. In the event a user fails to immediately and voluntarily comply with the suspension order, the director may take such steps deemed necessary, including immediate severance the user's connection to the municipal wastewater system. The director may allow the user to recommence discharge when the user demonstrates to the satisfaction of the director that endangerment has passed, unless termination proceedings under SRC 74.570 have been initiated.

(c) No hearing shall be required prior to any emergency suspension. (Ord No. 13-96; Ord No. 65-2002)

**74.570. Permit Revocation.**

(a) An industrial wastewater permit may be revoked if the user:

- (1) Fails to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (2) Fails to accurately report wastewater constituents and characteristics of its discharge;
- (3) Falsifies monitoring reports;
- (4) Refuses reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling;
- (5) Tampers with monitoring equipment;
- (6) Refuses to allow the city timely access to the facility premises and records;
- (7) Fails to meet effluent limitations;
- (8) Fails to pay fines;

- (9) Fails to pay sewer charges;
  - (10) Fails to meet compliance schedules;
  - (11) Fails to complete a wastewater survey; or
  - (12) Violates any pretreatment standard or pretreatment requirement, the user's permit, any order issued pursuant to this chapter, or any provision of this chapter.
- (b) Industrial users shall be notified of proposed termination and be offered an opportunity to appear and show cause why the permit should not be revoked. Termination of a permit shall not be a bar to, or a prerequisite for, taking any other enforcement action against the user.
- (c) Notice shall be served on the industrial user specifying the time and place for the show cause hearing, the reasons for permit revocation, and a direction that the user appear and show cause why the permit should not be revoked. The notice of the hearing shall be served upon the industrial user or the user's authorized representative personally or by registered or certified mail, return receipt requested, at least ten days prior to the hearing. An order revoking the permit may be issued immediately after the hearing. (Ord No. 13-96; Ord No. 65-2002)

**74.580. Injunctive Relief.** In addition to other relief, the city attorney may petition for the issuance of temporary or permanent injunction to restrain a violation, or compel specific performance, of the terms and conditions of the wastewater permit, order, pretreatment standard or pretreatment requirement, or other provision of this chapter. (Ord No. 13-96; Ord No. 65-2002)

**74.590. Civil Penalties.**

- (a) The director may impose upon any industrial user that has violated or continues to violate this chapter, any order or permit hereunder, or any pretreatment standard or pretreatment requirement a minimum civil penalty of \$1,000 per violation per day. In the case of a monthly or other long-term average discharge limit, penalties may accrue for each day during the period of this violation.
- (b) Where appropriate, the director may accept mitigation projects in lieu of the payment of civil penalties where the project provides a valuable service to the city and the industrial user's expense in undertaking the project is at least 150 percent of the civil penalty. (Ord No. 13-96; Ord No. 51-96; Ord No. 65-2002)

**74.600. Violations.**

- (a) Violation of SRC 74.050(b)(1), (4), (10), (12) and (17); 74.200; 74.390(a) and (b) and 74.570(a)(3) and (5) are misdemeanors.
- (b) Violation of any other provision of this chapter is an infraction and is punishable by a fine of not less than \$100. The second and subsequent violation of the same provision of this chapter within any one year period is punishable by a fine of not less than \$250. (Ord No. 13-96; Ord No. 65-2002; Ord No. 22-2003)

**74.610. Remedies Nonexclusive.** The remedies provided for in this chapter are not exclusive, and the director may take any, all, or any combination of these actions against a noncompliant user, and may bring more than one enforcement action against any noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan; however, the director may take other action against any user when the circumstances warrant. (Ord No. 13-96; Ord No. 65-2002)

**74.620. Water Supply Severance.** Whenever an industrial user has violated or continues to violate the provisions of this chapter or orders or permits issued hereunder, water service to the industrial user may be severed and service will only be resumed, at the user's expense, after it has satisfactorily demonstrated its ability to comply. (Ord No. 13-96; Ord No. 65-2002)

**74.625. Administrative Review.**

- (a) Any person aggrieved by any decision or action of the director pursuant to SRC 74.320,

74.520, 74.530, 74.540, 74.550, 74.560, 74.570 or 74.590 may appeal such decision or action as provided in this section.

(b) The appeal must be filed with the director within 10 days after the date of the decision or action being appealed, must be in writing and must state:

- (1) The name and address of the appellant,
- (2) Nature of the decision or action being appealed,
- (3) The reason the decision or action is incorrect, and
- (4) What the correct decision or action should be.

(c) An appellant who fails to file such a statement within the time permitted waives all objections, and the appeal shall not be considered.

(d) Unless the appellant and city agree to a longer period, an appeal shall be heard by a hearings officer within 30 days of the receipt of the notice of appeal. At least 10 days prior to the hearing, the city shall mail notice of the time and location of the hearing to the appellant.

(e) The hearings officer shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence the hearings officer deems appropriate. At the hearing, the appellant may present testimony and oral arguments personally or by counsel.

(f) If the appeal is from the modification of a permit pursuant to SRC 74.320 or the imposition a civil penalty under 74.310, the burden is on the director to prove that the modification or civil penalty was proper. If the appeal is from the denial of a permit under SRC 74.310, the burden is on the appellant to prove that the denial was improper. In all other cases the burden of proof is on the proponent of a fact or position.

(g) The hearings officer shall issue a written decision within 10 days of the hearing date. The decision of the hearings officer is final.

(h) An appeal fee shall accompany the statement of appeal. (Ord No. 65-2002)

**74.630. Charges and Fees.** The council shall adopt by resolution reasonable charges and other fees deemed necessary and appropriate to the administration and enforcement of this chapter. (Ord No. 13-96; Ord No. 51-96; Ord No. 65-2002)

**74.640. Severability.** If any of the provisions of this chapter are invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect. (Ord No. 13-96)

