

ORDINANCE NO. 132**AN ORDINANCE PROVIDING FOR UNIFORM REQUIREMENTS FOR USERS OF THE CITY'S WASTEWATER TREATMENT SYSTEM AND REPEALING ORDINANCE NO. 2633, AS AMENDED BY ORDINANCE NO. 209.**

The City of Coos Bay Ordains as follows:

Section 1. Definitions

Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20°C expressed in terms of weight and concentration (milligrams per liter (mg/l)).

Collection line. That portion of the wastewater treatment system which collects and transmits wastewater from users to the wastewater treatment plant, excluding private laterals and service laterals.

Collection system. All lines, laterals, interceptors transporting wastewater to the wastewater treatment plant.

Director. The director of the Public Works Department of the city or his duly authorized representatives.

Discharger. Any non-residential user who discharges an effluent into the wastewater treatment system.

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

Industrial waste. Any liquid, solid, or gaseous substance, or combination thereof, resulting from any process of industry, manufacturing, commercial food processing, business, agriculture, trade or research, including but not limited to, the development, recovery or processing of natural resources and leachate from landfills or other disposal sites.

Industrial waste discharge permit. A permit to discharge industrial wastes into the city wastewater treatment system issued under the authority of this ordinance and which prescribes certain discharge requirements and limitations.

Interference. The inhibition or disruption of the waste water treatment system processes or operations which contributes to a violation of any requirement of the city's NPDES permit.

Natural outlet. Any outlet into a watercourse, pond , ditch, lake, or other body of surface or ground water.

NODES permit. National Pollution Discharge Elimination System permit issued to the city by United States Environmental Protection Agency setting specific requirements for discharge from the city's treatment plants into the waters of Coos Bay.

Person. Any individual, firm, company, association, society, partnership, corporation, group, or any other legal entity.

PH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

Private lateral. A conduit extending from the plumbing system of a building or buildings to and connecting with a collection line.

Service lateral. A conduit extending from the collection line to a private lateral.

Slugload. Any substance released in a discharge at a rate and/or concentration which causes interference to the city wastewater treatment system.

Storm water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

Suspended solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

User. Any person who discharges, causes or permits the discharge of wastewater into the city's wastewater treatment system.

Wastewater. The liquid and water-carried industrial or domestic wastes from dwelling, commercial buildings, industrial facilities, and institutions, together with any ground water, surface water and storm water that may be present, whether treated or untreated, which is discharged into or permitted to enter the wastewater treatment system. **Wastewater treatment system.** The entire sewage collection and treatment system, exclusive of private laterals. This includes all conduits, pumps, treatment equipment and any other components involved in the transportation, collection, treatment and disposal of sanitary and industrial wastewater and sludge.

GENERAL DISCHARGE REGULATIONS

Section 2. General Discharge Prohibitions.

(1) **Use of Restricted Sewers.** It is unlawful to discharge, permit the discharge, or permit or allow a connection which will result in the discharge of sanitary sewage, wastewater, or industrial waste into the city's storm sewer system. It is unlawful for any person to discharge or permit the discharge or cause or permit a connection which will result in the discharge of storm water, roof drains and down spouts, ground water, street drainage, subsurface drainage, or yard drainage or uncontaminated water used for refrigerating or cooling purposes or steam condensation into the city's wastewater treatment system.

(2) **Prohibited Discharges.** It is unlawful to discharge, cause to discharge or allow to discharge directly or indirectly into the city wastewater treatment system any of the following:

(a) Waters or wastes containing substances in such concentrations that they inhibit or interfere with the operation of performance of any wastewater treatment process, are not amenable to treatment or reduction by the wastewater treatment process employed, or are only partially amenable to treatment such that the wastewater treatment plant effluent cannot meet the NPDES permit requirements or that prevents the use or disposal of wastewater treatment plant sludge in accordance with applicable state and federal regulations.

(b) Any liquids, solids, or gases, which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to cause fire or explosion or be injurious in any other way to the operation of the wastewater treatment system. Prohibited materials include, but are not limited to, gasoline, kerosene, benzene, naphtha, alcohols, toluene, xylene, ethers, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, fuel oil, mineral oil and any other substance which the city, state or EPA has notified the user is a fire hazard. At no time shall two successive readings on a combustible gas meter, at the point of discharge into the system (or at any point in the system), be more than five percent (5%), nor any single reading over ten percent (10%), of the Lower Explosive Limit (LEL) of the meter.

(c) Any solid or viscous substances capable of obstructing wastewater which will or may cause obstruction to the flow of wastewater or other interference with the operation of the wastewater treatment system. These substances include, but are not limited to, ashes, cinders, sand, mud, straw, insoluble shavings, metal, glass, rags, feathers, tar, creosote, plastics, wood, animal paunch contents, offal, blood, bones, meat trimmings and wastes, fish or fowl heads, entrails, trimmings and wasted, lard, tallow, baking dough, chemical residues, paint residues, cannery waste bulk solids, hair and fleshings, or plastic or paper dishes, cups, food or beverage containers, whether whole or ground,

or any matter which is not chemically or physically stable for at least five (5) days at twenty degrees (20°) centigrade.

(d) Any noxious or malodorous liquids, gases, solids, or other substance when either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into a manhole or pump station

(e) Any water or waste containing a toxic or poisonous substance in sufficient quantity, either singly or by interaction with other substance, to injure or interfere with any wastewater treatment process; to constitute a hazard to humans or animals; or to create any hazard in, or adversely affect the receiving waters; or exceed the limitations set forth in the National Categorical Pretreatment Standards.

(f) Any wastes, wastewaters or substances having a pH less than 5.0 or more than 10.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the wastewater treatment system. This includes, but is not limited to, battery or plating acids and wastes, copper sulfate, chromium salts and compounds, or salt brine.

(g) Any substance which may cause the wastewater plant's effluent or any other product of the wastewater plant, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with reclamation processes. In no case, shall a substance discharged to the wastewater plant cause the wastewater plant to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed pursuant to the Clean Water Act, the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or state criteria applicable to the sludge management method being used.

(h) Any substance which will cause the wastewater treatment system to violate its NPDES permit or the receiving water quality standards.

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

(j) Any wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case, wastewater with a temperature at the introduction into the wastewater treatment system which exceeds 65°C (150° F) or with a temperature which exceeds 40° (104° F) at the treatment works influent.

(k) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the wastewater treatment system. In

no case shall a slugload have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

(l) Any garbage that has not been properly comminuted to .65 centimeters (1/4 inches) or less in any dimension.

(m) Any unusual concentrations of inert suspended solids which may interfere with the operation of the wastewater treatment system, such as, but not limited to, fuller's earth, lime slurries, or lime residue.

(n) Any unusual concentrations of dissolved solids which may interfere with the operation of or pass through the wastewater treatment system, such as, but not limited to, sodium chloride, calcium chloride, and sodium sulfate.

(o) Any radioactive material, except in compliance with the current "Oregon Regulations for the Control of Radiation."

(p) Toxic pollutants, including, but not limited to:

aldrin	a-BHC-Alpha
dieldrin	b-BHC-Beta
chlordane	c-BHC-(lindane)-Gamma
4, 4' -DDT	g-BHC-Delta
4, 4' -DDC (p, p'-DDX)	Toxaphene
4, 4' -DDD (p, p'-TDE)	2, 4, 5-TP (Silvex)
a-endosulfan-Alpha	2, 4-D
b-endosulfan-Beta	Methoxychlor
endosulfan sulfate	Polychlorinated biphenyls (PCBs)
endrin	
endrin aldehyde	
heptachlor	
heptachlor epoxide	

(3) Use of Wastewater Treatment System Required.

(a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste.

(b) It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any wastewater or other polluted

waters, except where suitable treatment has been provided in accordance with subsequent provisions of the ordinance.

(c) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(d) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a collection line of the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities by private lateral directly with the proper collection line in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said collection line is within one hundred (100) feet of the property line.

Section 3. Limitations on Wastewater Strength.

(1) **Pretreatment.** Pollutants shall be accepted into the city wastewater system subject to regulations and requirements as may be promulgated by state and federal regulatory agencies or the city for the protection of wastewater facilities and treatment processes, public health and safety, receiving water quality and avoidance of nuisance. As a minimum, discharges shall comply with the applicable pretreatment standards developed under state (OAR 340-45-063) and federal (40 CFR 403) regulations. Pretreatment standards shall be developed to ensure that at a minimum the city and all dischargers comply with Sections 207(b) and 307(c) of the Federal Water Pollution Control Act as amended by the Clean Water Act of 1977 and the regulations promulgated pursuant to these sections of the Act.

(2) **City's Requirements.** The city reserves the right to establish through issuance of industrial waste discharge permits more stringent limitations or requirements on discharges to the wastewater treatment system if deemed necessary to enable the city to meet its NPDES permits.

(3) **Excessive Discharge.** No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the city or State.

(4) **High Strength Wastes.** Any waters or wastes containing higher than 250 mg/l 5-day BOD or 250 mg/l suspended solids may be required to discharge at a specific

release rate or at a specified strength if, in the opinion of the director, the release of such waste in an uncontrolled manner could adversely affect proper handling and treatment in the wastewater treatment system.

(5) **Grease.** Water or wastes shall not contain fats, oils, and greases of animal or vegetable origin of any nature in excess of 1-- milligrams per liter. Water or cutting oil, or mineral products of mineral oil origin, whether or not emulsified, in excess of 50 milligrams per liter.

(6) **Septage.** Any material from a cesspool, privy, septic tank, or other on-site disposal system shall not be discharged into the wastewater treatment system except at points and in a manner prescribed by the director.

(7) **Metal Concentrations.** No discharger shall discharge wastewater containing in excess of:

- 1.0 mg/1 arsenic
- 1.2 mg/1 cadmium
- 4.5 mg/1 copper
- 2.0 mg/1 cyanide
- 3.0 mg/1 lead
- 0.1 mg/1 mercury
- 5.0 mg/1 nickel
- 4.0 mg/1 silver
- 9.0 mg/1 total chromium
- 4.0 mg/1 zinc
- 3.0 mg/1 phenol

(8) **Mass Limitations.** The director may impose mass limitations on discharges which are using dilution to meet the pretreatment standards or requirements of this ordinance, or in other cases where the imposition of mass limitations is deemed appropriate by the director.

Section 4. Accidental Discharges.

(1) **Notification.** Any person becoming aware of slugloads, spills or uncontrolled discharges of prohibited or restricted substances directly or indirectly into the wastewater treatment system shall immediately report such discharge by telephone to the director. Within five (5) days following a slugload or an accidental discharge, the user 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 expenses, loss, damage, or other liability which may be incurred as a result of damage to the wastewater treatment system, fish kills, or any other damage to person

or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this ordinance or other applicable law.

(2) **Posted Notice.** A notice informing employees of any discharger of the notification requirement and containing a telephone number or individual to contact in the event of such a discharge shall be posted in a conspicuous place, visible to all employees that may reasonably be expected to observe such a discharge.

(3) **Prevention.** Direct or indirect connections or entry points which could allow spills or uncontrolled discharges of prohibited or restricted substances to enter the wastewater treatment system shall be eliminated, labeled, or controlled so as to prevent the entry of wastes in violation of this ordinance. The director may require the discharger to install or modify equipment or make other changes necessary to prevent such discharges as a condition of issuance of an industrial waste discharge permit or as a condition of continued discharge into the wastewater treatment system. A schedule of compliance shall be established by the director which requires completion of the required actions within the shortest reasonable period of time. Violation of the schedule without an extension of time by the director is a violation of this ordinance.

(4) **Control Plans.**

(a) Dischargers that handle, store or use prohibited or restricted substances on their site shall prepare a spill prevention plan within ninety (90) days of the effective date of this ordinance directed at preventing the entrance of those substances, directly or indirectly, into the wastewater treatment system. The plan shall be available for inspection at the facility during normal business hours and shall include, but not be limited to, the following elements:

- (i) A description of the potential points of entry into the wastewater treatment system;
- (ii) A description of the measures to be taken to prevent entry at the described points before a spill occurs;
- (iii) Measures to be taken in the event of a spill of prohibited or restricted materials to contain them;
- (iv) A description of employee training in the prevention and control of spills. A valid spill prevention and control plan required under the Federal Clean Water Act may be acceptable in lieu of developing a new spill control plan, provided the plan addresses adequately the elements required.

(b) If a discharger has a spill or uncontrolled discharge of prohibited or restricted substances into the wastewater treatment system, the director may require the discharger's spill prevention and control plan to be submitted and may require revisions to be made in the plan.

(c) Review and approval of the control plan shall not relieve the discharger from the responsibility to modify its facility as necessary to meet the requirements of this ordinance.

(d) The city may adopt by council resolution a fee for reviewing control plans.

[Sections 5 to 6 reserved for expansion]

INDUSTRIAL WASTES

Section 7. Pretreatment Facilities.

(1) **General Requirements.** If, as determined by the director, treatment facilities, operation changes or process modifications at a discharger's facility are needed to comply with any requirements under this ordinance or are necessary to meet any applicable state or federal requirements, the director may require that such facilities be constructed or modifications or changes be made within the shortest reasonable time, taking into consideration construction time, impact of the untreated wastewater on the wastewater treatment system, economic impact on the facility, impact of sludge, and any other appropriate factor.

(2) **Condition of Permit.** Any requirement in subsection 7(1) may be incorporated as part of an industrial wastewater discharge permit issued under Section 8 and made of the acceptance of the wastewater from such facility.

(3) **Plans Specifications, and Construction.** Plans, Specifications and other information relating to the construction or installation of pretreatment facilities required by the director under this ordinance shall be submitted to the director. No construction or installation thereof shall commence until written approval of plans and specifications by the director is obtained. No person, by virtue of such approval, shall be relieved of compliance with other laws of the city, county, or state relating to construction and to permits. Every facility for the pretreatment or handling of industrial wastes shall be constructed in accordance with the approved plans and specifications and shall be installed and maintained at the expense of the occupant of the property discharging the industrial wastes.

(4) **Sampling and Monitoring Facility.** Any person constructing a pretreatment facility, as required by the director, shall also install and maintain at his own expense a sampling manhole or other suitable monitoring access for checking and investigating the discharge from the pretreatment facility to the collection line. The sampling manhole or monitoring access shall be placed in a location designated by the director and in accordance with specifications approved by the director.

Section 8. Industrial Waste Discharge Permits.

(1) **Requirements for a Permit.** All users discharging or proposing to discharge industrial wastes into the wastewater treatment system shall obtain an industrial waste discharge permit from the city if:

- (a) The discharge is subject to promulgated national categorical pretreatment standards; or
- (b) The discharge, as determined by the director, contains pollutants in concentrations or quantities that interfere or have the potential to interfere with the operation of the wastewater treatment system; has a significant impact or potential for a significant impact on the wastewater treatment system, either singly or in combination with other contributing industries; or increases the cost of operation of the wastewater treatment system; or
- (c) The discharge requires pretreatment in order to comply with the discharge limitations set forth in Section 3 of this ordinance; or
- (d) The discharge contains suspended solids or BOD in excess of 350 mg/l, or in excess of thirty (30) pounds in any one day; or
- (e) The discharge contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the wastewater treatment plant; or
- (f) The discharge contains wastes requiring unusual quantities of chlorine (more than 20 mg/l) for treatment at the treatment plant; or
- (f) the discharge exceeds a total flow of 25,000 gallons in any one day.

(2) **Permit Exemptions.** Upon finding that an industrial user meeting the criteria in subsections (b) through (g) above has no reasonable potential for adversely affecting the wastewater treatment plant's operation or for violating any pretreatment standard of requirement, the director may at any time, on his own initiative or in response to a petition received from the industrial user, and in accordance with 40 CFR 403.8 (f)

(6), determine that such industrial user is not a significant industrial user and exempt from the industrial waste discharge permit requirements.

(3) **Permit Applications.** All existing dischargers required to have a permit shall apply within ninety (90) days of enactment of this ordinance. Applications for an industrial waste discharge permit shall be made to the director on forms provided by the city. The application shall not be considered as complete until all information identified on the form is provided, unless specific exemptions are granted by the director. Completed applications shall be made within thirty (30) days or, for new dischargers, at least ninety (90) days prior to the date that discharge to the wastewater treatment system is to begin. Any discharger with a valid permit who proposes to make a change in its existing discharge which will significantly change the volume of flow or characteristics of the discharge or establish a new point of discharge shall reapply at least sixty (60) days before making the change.

(4) **Industrial Waste Inspection.** After the submitted discharge permit application has been received and reviewed, the director may schedule with the applicant an industrial waste inspection. The industrial waste inspection will consist of an interview with applicant personnel and plant tour. At the interview, the applicant's application, waste generating process, water consumption, wastewater composition and quantities of wastewater flow may be discussed. An industrial waste sampling point will be identified. The sampling location, if appropriate and acceptable to the director, will be used for both self-monitoring and for water quality and quantity monitoring and permit enforcement by the city.

(5) **Issuance of Permit.** After full evaluation and acceptance of the data furnished by director, the director shall issue an industrial waste discharge permit subject to the terms and conditions provided herein, and upon payment of the application fee. Dischargers shall pay the renewal fee as each renewal date is obtained. Fees shall be set by resolution of the city council.

(6) **Permit Conditions.** Industrial waste discharge permits shall specify, where applicable, the following:

- (a) Fees and charges to be paid upon initial permit issuance;
- (b) Limits on the average and maximum wastewater constituents and characteristics;
- (c) Limits on average and maximum rate and time of discharge and/or requirements for flow regulations and equalization;

- (d) Requirements for installation and maintenance of inspection and sampling facilities compatible with facilities of the city;
- (e) Special conditions as the director may reasonably require under particular circumstances of a given discharge including sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;
- (f) Compliance schedules;
- (g) Requirements for submission of special technical reports or discharge reports where the same differ from those prescribed by this ordinance;
- (h) An effective date and expiration date of the permit;
- (i) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the director, and affording city access thereto;
- (j) Requirements for notification to the director of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- (k) Requirements for notification of slugload discharges;
- (l) Other conditions as deemed appropriate by the director to ensure compliance with this ordinance.

(7) **Permit Modifications.** The director reserves the right to amend any industrial waste discharge permit issued hereunder in order to assure compliance by the city with applicable laws and regulations. Within nine (9) months of the promulgation of the National Categorical Pretreatment Standard, the industrial waste discharge permit of each discharger subject to such standards shall be revised to require compliance with such standards if more stringent within the time frame prescribed by such standards. All National Categorical Pretreatment Standards adopted after the promulgation of this ordinance shall be enforced by the city as part of this ordinance. Where a discharger subject to a National Categorical Pretreatment Standard has not previously submitted an application for a waste discharge permit as required herein, the discharger shall apply for a waste discharge permit from the director within one hundred and eighty (180) days after the promulgation of the applicable National Categorical Pretreatment Standard by the EPA. The discharger shall be informed of any proposed changes in his permit as least thirty (30) days prior to the effective date of change.

(8) **Permit Duration / No Property Interest Acquired.** All industrial waste discharge permits shall be issued for a specified time period, not to exceed five (5) years, as determined by the director and subject to amendment, revocation, suspension or termination as provided in this ordinance. No discharger acquires any property interest by virtue of permit approval and continued approval is expressly contingent upon compliance with all applicable federal, state, and local requirements.

(9) **Limitations on Permit Transfer.** Industrial waste discharge permits are issued to a specific discharger for a specific operation and are not assignable to another discharger or transferable to any other location without the prior written approval of the director.

[As amended by Ordinance No. 209, Section 1, enacted August 16, 1994]

Section 9. Reporting Requirements.

(1) **Initial Compliance Report for Current Dischargers.** Within one-hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard issued by the Environmental Protection Agency (EPA) or within ninety (90) days after receiving notification from the city that such a standard has been issued, whichever is sooner, existing dischargers subject to such standards shall submit to the dischargers subject to such standard shall submit to the director a baseline monitoring report, as required by the EPA pretreatment regulations, which includes the following:

- (a) The name and address of the facility and the name of the owner and operator;
- (b) A list of any environmental control permits on the facility;
- (c) A description of the operation(s);
- (d) The average and maximum daily flow;
- (e) The levels of the particular pollutants that are regulated in the standard;
- (f) A statement as to whether the applicable standards are being consistently met and, if not, what additional measures are necessary to meet them; and
- (g) If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, the shortest schedule by which the needed pretreatment and/or operation and maintenance can be provided. The

report shall be reviewed and signed by an authorized representative of the discharger and certified by a qualified professional engineer.

(2) **Compliance Reports for New Dischargers.** New dischargers subject to categorical pretreatment standards issued by the EPA shall submit to the director, following the commencement of their discharge into the wastewater treatment system, a report which contains the information listed in items (a) through (g) above.

(3) **Reports in General.** These reports shall be completed in compliance with the specific requirements of Section 403.12 of the General Pretreatment Regulations for Existing and New Sources (40 CFR Part 403) promulgated by the EPA on January 28, 1981, or any subsequent revision thereto. If the information required by these reports has already been provided to the city and that information is still accurate, the discharger may reference this information instead of submitting it again.

(4) **Report on Compliance.** Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards or, in the case of the new discharger, following commencement of the introduction of wastewater into the wastewater treatment system, any discharger subject to pretreatment standards and requirements shall submit to the director a report indicating the nature and concentration of all pollutants in the wastestream from the regulated process and the average and maximum daily flow for these process units. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the discharger into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the discharger and certified by a qualified professional engineer.

(5) **Schedule for Compliance.** If the discharger is required to install additional pretreatment or provide additional operation and maintenance, a schedule will be required to be submitted. The schedule shall contain increment of progress in the form of dates for commencement and completion of major events leading to the construction and operation of additional pretreatment or operation and maintenance. No increment of progress shall exceed nine (9) months. The discharger shall submit a progress report to the director including, at a minimum, whether or not is complied with the increment of progress to be met on such a date and, if not the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the discharger to return the construction to the schedule established. This progress report shall be submitted no later than fourteen (14) days following each date in the schedule and the final date of compliance. In no event shall more than nine (9) months elapse between such progress reports to the director.

(6) **Periodic Compliance Reports.**

(a) Any discharger that is required to have an Industrial Wastewater Discharge Permit pursuant to this ordinance shall submit to the director during the months of June and December, unless required on other dates and/or more frequently by the director, a report indicating the nature of its effluent over the previous six-month period. The report shall include, but is not limited to, a record of the concentrations (and mass if limited in the permit) of the limited pollutants that were measured and a record of all flow measurements that were taken.

(b) The frequency of the monitoring shall be determined by the director and specified in the industrial wastewater discharge permit. If there is an applicable effective Federal Categorical Pretreatment Standard, the frequency shall be not less than that prescribed in the standard.

(c) Flows shall be reported on the basis of actual measurement; provided, however, where cost or feasibility considerations justify, the director may accept reports of average and maximum flows estimated by verifiable techniques.

(d) The director may require reporting by dischargers that are not required to have an industrial wastewater discharge permit if information and/or data is needed to establish a sewer charge, determine the treatability of the effluent or determine any other factor which is related to the operation and maintenance of the wastewater treatment system.

(e) The director may require self-monitoring by the discharger, or if requested by the discharger, may agree to perform the periodic compliance monitoring needed to prepare the periodic compliance report. If the director agrees to perform such periodic compliance monitoring, the city will charge the discharger for the monitoring based upon the costs incurred by the city for the sampling and analysis. However, the director is under no obligation to perform the periodic compliance monitoring for a discharger. Periodic compliance monitoring is that monitoring which is necessary to provide the information on discharge quantity and quality required for the periodic compliance reports.

Section 10. Inspection and Sampling.

(1) **Inspection.** Authorized city representative may inspect the monitoring facilities of any discharger to determine compliance with the requirements of the ordinance. The discharger shall allow the director or its authorized representatives to enter upon the premises of the discharger at all reasonable hours, for the purpose of inspection sampling, or records examination. The director shall also have the right to set up on the discharger's property such monitoring and/or metering operations. The right of entry includes, but is not limited to, access to those portions of the premises that contain facilities for sampling, measuring, treating, transporting, or otherwise

handling wastes, and storing records, reports or documents relating to the pretreatment, sampling, or discharge of the wastes.

The following conditions for entry shall apply:

- (a) The authorized city representative shall present appropriate credentials at the time of entry;
 - (b) The purpose of the entry shall be for inspection, observation, measurement, sampling,
 - (c) The entry shall be made at reasonable times during normal operating or business hours unless an emergency situation exists as determined by the director; and
 - (d) All regular safety and sanitary requirements of the facility to be inspected shall be complied with by the city representative(s) entering the premises.
- (2) **Sampling.** Samples of wastewater being discharged into the wastewater treatment system shall be representative of the discharge and shall be taken after treatment, if any, and before dilution by other water. The sampling method shall be one approved by the director. All sample analysis shall be performed in accordance with the procedures set forth in 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publications "Sampling and Analysis Pollutants," April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator of the United States Environmental Protection Agency (EPA).

(3) **Monitoring Facilities.**

- (a) **When Required.** Any person discharging industrial waste into the wastewater treatment system which requires an industrial wastewater discharge permit, shall, at their own expense, construct and maintain an approved control manhole, together with such flow measurement, flow sampling and sample storage facilities as may be required by the director. The facilities required shall be such as are reasonable necessary to provide adequate information to the director to monitor the discharge and/or to determine the proper user charge.
- (b) **Location.** Such monitoring facilities shall be located on the discharger's premises except when, under circumstances approved by the director, it must be located in a public street or right-of-way. In no event shall the monitoring facilities be obstructed by landscaping or parked vehicles.
- (c) **Size.** There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The

facility, sampling, and measurement equipment shall be maintained at all times in a safe and proper operating condition at the expense of the discharger.

(d) Construction. Whether constructed on private or public property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the director.

(e) Access. Dischargers shall allow the authorized representatives access to monitoring facilities on their premises at all times. The city shall have the right to set up such supplementary monitoring equipment as it may require.

(f) Charge Based on Water Flow. The director may, in lieu of requiring measurement sampling and may, in lieu of requiring measurement sampling and monitoring facilities, procure and test, at the user's expense sufficient composite samples on which to base and compute the user charge. In the event that measurement sampling and monitoring facilities are not required, the user charge shall be computed using the metered water flow to the premises as a basis for waste flow and the laboratory analysis of samples procured as the basis for computing BOD and suspended solids content. Metered water flow shall include all solids content. Metered water flow shall include all water delivered to or used on the premises. In the event that private water supplies are used, they shall be metered at the user's expense. Cooling waters or other waters not discharged into the wastewater treatment system may be separately metered at the user's expense in a manner approved by the director, and all or portions of these waters deducted from the total metered water flow to the premises subject to director approval.

Section 11. Change in Permitted Discharge. It shall be the responsibility of every discharger with an industrial wastewater discharge permit to report to the director any changes (permanent or temporary) to the discharger's premises or operations that change the quality or quantity of the wastewater discharge. Changes in the discharge involving the introduction of a wastestream(s) not included in or covered by the discharger's industrial wastewater discharge permit itself shall be considered a new discharge, requiring the completion of an application as described under Section 6. Any such reporting shall not be deemed to exonerate the discharger from liability for violations of this ordinance.

Section 12. Records. All dischargers subject to this ordinance shall retain and preserve for not less than three (3) years all records, books, documents, memoranda, reports, correspondence, and any and all summaries thereof, relating to monitoring, sampling, and chemical analysis made by or on behalf of the discharger in connection with its discharge. All such records shall be subject to review by the city. All records which pertain to matters subject to appeals or other proceedings before the director or the council, or any other enforcement or litigation activities brought by the city shall be retained and preserved until

such time as all enforcement or other activities have concluded and all periods of limitation with respect to any and appeals have expired.

Section 13. Confidential Information.

(1) **Public Inspection.** Information and data furnished to the director regarding frequency and nature of discharges to the director regarding frequency and nature of discharges into the wastewater treatment system shall be available to the public or other governmental agencies without restriction unless the discharger claims when submitting data, and satisfies the director of the validity of the claim, that release of the information would divulge information, processes or methods of production entitled to protection as trade secrets under federal laws or ORS 192.500(1) (b), or proprietary information of the discharger. Such portions of proprietary information of the discharger. Such portions of a discharger's report which qualify as trade secrets shall not be made public.

(2) **Disclosure in Public Interest.** Nothing in subsection (1) above shall prevent disclosure of any information submitted by a discharger when the public interest in that case requires disclosure. Disclosure to other governmental agencies for uses related to this ordinance is in the public interest.

(3) **Notice to Discharger.** No information accepted by the director as confidential shall be transmitted unless and until notice is given to the discharger who supplied it.

[Sections 14 to 16 reserved for expansion]

USER CHARGES AND FEES

Section 17. Connection Charges.

(1) **Setting Charge.** By resolution the city shall establish a schedule of connection permit charges for each new connection to the wastewater treatment system to defray the costs of administration and inspection. Such charge shall be assessed and collected prior to issuance of a connection permit.

(2) **Fee in Lieu of Assessment.** By resolution the city shall establish a schedule of connection charges for properties which have never been assessed for any portion of the collection system to which the property is to be connected. Prior to connection, such additional fee must be paid. In the event of formation of an improvement district for sanitary sewer within five (5) years after payment of the fee in lieu, the fee paid shall be credited against the assessment on the benefitted property.

(3) **Recovery Agreement Charge.** In addition to the connection permit charge, a recovery agreement charge may be assessed for each new connection to a collection

line or use of a pump station for force main, where such line or facility is the subject of a recovery agreement between the city and the person who constructed such line or facility as provided in section 28. Consistent with such agreements, such recovery charge shall be in an amount which represents the prorata share of the cost of construction of the line facility. Such charge must be paid before issuance of the connection permit.

Section 18. User Fees.

(1) **Setting Fees.** By resolution the city shall establish a schedule of monthly fees and rates for users to provide for the costs of operation and maintenance of the wastewater treatment facilities, debt service and improvement of the facilities, capital replacement, and related administrative costs.

(2) **User Classification.** All users shall be classified by assigning each one to a "User Classification" category according to the principal activity conducted on the users's premises and based on the typical wastewater constituents and characteristics, such as suspended solids and BOD, for that type of user as determined by the city. The purpose of such classification is to establish a system of user charges which will insure an equitable recovery of the city's cost.

(3) **Water Usage.** User charges for nonresidential users shall be applied against the total amount of water used from all sources unless, in the opinion of the director, significant portions of water received are not discharged to the wastewater treatment system. The total amount of water used from public and private sources will be determined by means of public meters, or private meters installed and maintained at the expense of the user and approved by the director.

(4) **Exception to Water Usage Rate.** For nonresidential users where, in the opinion of the director, a significant portion of the water received from any metered source does not flow into the wastewater treatment system because of the principal activity of the user or removal by other means, the user charges will be applied against the volume of water discharged from such premises into the wastewater treatment system. Written notification and proof of the diversion of water must be provided by the user if the user is to avoid the application of the user charges against the total amount of water used from all sources. The user may install a meter of a type and at a location approved by the director and at the user's expense. Such meters may measure either the amount of wastewater discharged or the amount of water diverted. Such meters shall be tested for accuracy at the expense of the user when deemed necessary by the director.

(5) **Users Not on Water System.** For nonresidential users who are not on the city's water system and where, in the opinion of the director, it is unnecessary or impractical to install wastewater meters, the quantity of wastewater discharged may be based upon an estimate prepared by the director. This estimate shall be based upon a

rational determination of the wastewater discharged and may be based on population equivalent, the number of fixtures, and such other factors necessary to estimate the wastewater volume discharged. The user may be tested for accuracy when deemed necessary by the director.

(6) **Excessive Treatment Charge.** If the director determines that a user discharges or has discharged waste on a sustained, periodic, or accidental basis with characteristics such that the city incurs additional costs above the normal costs associated with treating wastewater, the user shall be billed for the additional costs resulting from the discharge.

(7) **Notice.** In conjunction with a regular bill, the city will provide an annual notification to each user of that portion of the monthly user rate which is attributable to wastewater treatment service.

(8) **Annual Review of Rates.** The city will review the user charges at least annually and revise the rates as necessary to ensure that adequate revenues are generated to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.

(9) **Review Requested by User.**

(a) Any user who feels his user charge is unjust and inequitable may make written application to the director requesting a review of his user charge. Said written request shall, where necessary, show the actual or estimated average flow and/or strength of his wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made.

(b) Review of the request shall be made by the director and if substantiated, the user charges for that user shall be recomputed based on the revised flow and/or strength data and the new charges shall be applicable to the next billing cycle/period.

[As amended by Ordinance No. 209, Section 2, enacted August 16, 1994]

Section 19. Collection Procedures.

(1) **Collection of User Fees.** The Coos Bay-North Bend Water Board shall collect the monthly user fees and pay same over to the city for deposit into the wastewater fund, except for those users who are not customers of the water system. those users shall be billed directly by the city.

(2) **Failure to Pay.**

(a) All user fees charged are debts due the city. Payments more than fifteen (15) days delinquent may be recovered by civil action against the property owner.

(b) In addition, failure to pay shall subject the user to discontinuance of water service, and the Coos Bay-North Bend Water Board is hereby authorized to enforce these provisions as to any and all delinquent users.

(3) **Perpetual Lien.** Until paid, all charges imposed by Sections 17 and 18 shall constitute a perpetual lien on and against the property connected to the wastewater treatment system.

[Sections 20 to 21 reserved for expansion]

PRIVATE LATERALS AND COLLECTION LINES

Section 22. Private Responsibility.

(1) **Costs of Construction.** Except as otherwise provided herein, a property owner or developer shall be responsible for all the costs of construction, repair, and maintenance of all wastewater facilities and the appurtenances thereto in and through his property or development.

(2) **Private Wastewater Disposal.**

(a) Where a collection line is not available under the provisions of Section 2(3) the private lateral shall be connected to a private sewage disposal system complying with the provisions of this section.

(b) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit from the Oregon State Department of Environmental Quality.

(c) At such time as city collection line becomes available to a property service by a private sewage disposal system as provided in Section 2(3), a direct connection shall be made to the collection line in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facility shall be abandoned in accordance with state law at no expense to the city.

(c) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the city.

(d) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Oregon State Department of Environmental Quality.

Section 23. New Connections or Additions.

(1) **Permits.** Any person desiring to connect a private lateral to the wastewater treatment system or to add fixtures to an existing connection shall make application to the director for a connection permit. The application shall be supplemented by any plans, specifications or other information deemed necessary by the director to determine compliance with all ordinances, regulations or rules concerning the wastewater treatment system. Fees for connection permits shall be set by council resolution.

(2) **Construction.** The size, slope, alignment and materials of construction of a private lateral, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Uniform Plumbing code and other applicable rules and regulations of the city. In all buildings in which any building drain is too low to permit gravity flow to the collection system, wastewater carried by such building drain shall be lifted by means approved by the city and discharged to the wastewater treatment system.

(3) **Inspection.** The applicant for the connection permit shall notify the director when the private lateral line is ready for inspection and connection to the collection line. The city shall not be subjected to any liability for any deficiency or defect which is not discovered by inspection nor shall the owner or developer of such premises be absolved from liability for such deficiency or defect and any resulting damage or from responsibility to correct such deficiency or defect.

(4) **Excavations.** All excavations for installations or repair of wastewater lines shall be adequately guarded with barricades and lights and meet all applicable safety standards so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of work shall be restored in a manner satisfactory to the director.

(5) **Existing Lines.** Old wastewater lines may be used in connection with new buildings only when they are found, on examination, inspection and testing by the Public Works Department, to meet all requirements of this section and to be compatible with the proposed use.

(6) **Commencement of Construction.** Construction of a building or facility to be served by a wastewater connection shall be commenced within one hundred twenty (120) days from the date of payment of the connection fee or issuance of a permit, and such construction shall be pursued to completion without suspension or abandonment. Failure to comply with the above regulations will result in cancellation of the permit and return of fees paid less any inspection costs incurred by the city.

Section 24. Unauthorized Connections.

(1) **Collection System.** It shall be unlawful for any unauthorized person to uncover, make any connections with or openings into, use, alter or disturb any collection line or appurtenance thereof, without first obtaining written permission from the director and such connections shall be made in compliance with the Uniform Plumbing Code and other applicable ordinances, rules and regulations of the city.

(2) **Manholes.** No person shall discharge any substance directly into a manhole or other opening into collection system other than through an approved private lateral.

(3) **Downspouts to Private Lateral.** No person shall make or maintain a connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a private lateral which in turn is connected directly or indirectly to a wastewater collection line.

Section 25. Separate Laterals.

(1) **Separate Laterals Required; Exception.** A separate and independent private lateral shall be provided for every building. However, where one building stands at the rear of another on an interior lot which cannot be subdivided, and no private lateral is available nor can be constructed to the rear building through an adjoining alley, court, yard or driveway, the private lateral of the front building may be extended to the rear building and the whole considered as one service. Multifamily, commercial or industrial complexes having more than one building on a single platted lot may have the individual buildings connected to a single common private lateral, unless and until such lot is resubdivided or the buildings otherwise become separately owned in which case independent connections shall be made.

(2) **Waiver.** Waiver of this requirement for a separate and independent private lateral may be granted by the director upon re-subdivision or creation of separate ownership of individual buildings on a single lot with existing multifamily or commercial, but not industrial complexes. Such a waiver shall be granted only upon showing that the private lateral owned in common will be maintained by an entity of the owners of the separate buildings.

(3) **Common Private Lateral Maintenance.** The director may provide for additional requirements to assure proper maintenance and repair of the common private lateral, and, if necessary, monitoring of effluent quality or quantity. The city does not assume any obligation nor acquire any liability for damage to the connecting property or any portion thereof caused by or resulting from any such connection to the wastewater treatment system as aforementioned.

Section 26. Maintenance and Repair.

(1) **Owner Responsibility.** The owner of any premises connected to the wastewater treatment system shall be responsible for the maintenance of the private lateral and appurtenances thereto, from and including the connection to the collection line to the premises service. The owner shall keep such line in good condition and shall replace, at his expense, any portions thereof which, in the opinion of the director, have become so damaged or disintegrated as to be unfit for further use. The owner must secure all required permits for construction purposes and shall be responsible for returning the public rights of way to acceptable city standards.

(2) **Common Private Laterals; Responsibility.** In the event that more than one premises are connected to a single private lateral, the owners of the respective premises shall be jointly and severally responsible for the maintenance and repair requirements imposed by this Section.

(3) **Permit Required.** Prior to repair or alteration of any private lateral, a permit must be obtained from the city. Issuance of a permit shall be conditional upon compliance with ordinances and rules applying to the wastewater treatment system. The city shall inspect but shall not be subject to any liability for any deficiency in the repair or alteration of such premises, and shall be absolved from damage or from responsibility to correct such deficiency or defect. The fee for such a permit shall be set by resolution of the council.

(4) **City Inspection of Private Laterals.** The city reserves the right to enter upon private property after 48-hour posted notice to test and inspect private laterals. Where leaks or unauthorized connections are located, a notice will be sent to the property owner directing him to make the appropriate repairs or corrections within a specified time.

Section 27. Disconnection. In the event that a user desires to disconnect his premises from the wastewater treatment system of the city, at his expense the private lateral shall be capped at the service lateral, and the private lateral shall be removed unless removal is waived by the director. New private laterals to replace existing private laterals shall not be approved by the city until old private laterals are dug up and properly capped. Such cap shall sufficiently tight to prevent the escape of wastewater or the infiltration of water.

Section 28. Collection Lines/New Developments.

(1) **Plat Approval Required.** No wastewater lines shall be laid or placed in any proposed addition or subdivision in the city until the plat thereof has been approved by the city in accordance with the land development ordinance.

(2) **Extension of System.** Collection lines to collect and intercept wastewater from and throughout areas or additions shall be extended by the owner and/or developer of premises to be served by such lines from the existing collection line to the farthest point or points upgrade of such premises. Service laterals shall be extended by the

owner and/or developer of premise to be served by such lines from shortest possible private lateral between the collection line and the property line of the premises serviced thereby. Thereafter said collection lines shall be extended to adjoining premises in compliance with the Uniform Plumbing Code.

(3) **Recovery Agreement for Collection Line.** The director may require the owner or developer to construct a collection line larger than that required for his needs for the service of lands adjacent to his property or development, in which case the city may enter into a recovery agreement with the owner or developer to collect a prorata share of the costs of such construction from the owner of the adjacent lands at the time of their connection and refund such costs to the owner or developer. When an owner or developer finds it necessary to construct wastewater facilities through or adjacent to unserved or undeveloped lands, the owner or developer shall pay the entire cost of such facilities. However, the city may agree in writing with the owner or developer to collect a prorata share of the costs from the owner of property served by such facilities at the time of connection to the wastewater system and shall refund such costs to the owner or developer.

(4) **Recovery Agreement for Pump Stations, Force Mains.** In the event that pump stations and force mains are required, the cost of constructing said stations and mains shall be the responsibility of the owner of property served thereby. Where it appears that more area or lands may be served by the pump station and force mains, the director may require a larger capacity than necessary to serve the initial development. Where such larger capacity is required, the city may enter into a recovery agreement with the owner or developer to collect a prorata share of the costs from adjacent lands at the time of their connection and refund such costs to the owner or developer.

(5) **Connection to Gravity Systems.** In those instances where pump stations and force mains are required, the wastewater system shall be designed where possible so as to permit an eventual connection into gravity system with a minimum of expense. Where practicable, easements shall be provided and lines constructed to tie into the gravity system. The city may require deposits from the property owners requiring said force system, where deemed necessary, to pay for the eventual construction of gravity lines.

(6) **Recovery Agreement Requirements.** If an owner or developer desires to enter into a recovery agreement with the city, he shall provide a complete detailed summary of all construction costs to the director within one hundred twenty (120) days after the date of preliminary acceptance notice by the city. The owner or developer's rights to reimbursement under the provisions of the recovery agreement shall not exceed the construction costs plus the interest factor for a period of ten (10) years from execution of the agreement, unless the city council shall approve a contract period exceeding ten (10) years.

[Sections 29 and 30 are reserved for expansion]

VIOLATIONS

Section 31. Enforcement Procedures.

(1) **Public Nuisance.** Any discharge in violation of this ordinance, the conditions of the industrial waste discharge permits, or any other violation of this ordinance is hereby declared to be a public nuisance. Such nuisance may be abated or enjoined and damages assessed therefore in accordance with other provisions in the city ordinances or in any other manner provided by law.

(2) **Suspension of Service.**

(a) The director may suspend the wastewater treatment service and may require the Water board to discontinue service for any discharger when such suspension is necessary, in the opinion of the director, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the wastewater treatment system or causes the city to violate any condition of its NPDES permit.

(b) Any discharger notified of a suspension of the wastewater treatment service shall immediately stop or eliminate the contribution. In the event of a failure of the discharger to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the wastewater treatment system or endangerment to any individuals.

(c) The notice of the hearing shall be by service personally or by certified mail at least ten (10) days before the hearing.

(d) Upon review of the evidence presented at the hearing, the city manager may:

(i) Issue an order stating that no violation of this ordinance has occurred;

(ii) Issue an order stating that a violation has occurred and approving the suspension of service or directing that, following a specified time period, the wastewater treatment service of the offending party be discontinued until the violation is corrected;

(iii) Issue such other or further order and directives as are necessary and appropriate.

(5) **Reconsideration.** Any person aggrieved by any decision or action of the city manager may file a written request with the city manager for reconsideration thereof within ten (10) days of the issuance of the order. The notice of appeal shall be on a form provided by the city and shall set forth in reasonable detail the decision or action appealed from and the facts and arguments supporting the appellant's request for reconsideration. The city manager shall render a final written determination within ten (10) days of the receipt of such request for reconsideration. The city manager may establish such procedures as may be deemed necessary or proper to conduct the reconsideration process. The filing of a request for reconsideration shall be a condition precedent to the right to appeal to the city council pursuant to subsection 31(6).

(6) Appeals to the City Council.

(a) Any person aggrieved by the final determination of the city manager may appeal such determination to the city council. Written notification of such appeal shall be filed with the recorder, together with the payment of a fee as set by council resolution, within ten (10) days after issuance of the final determination of the city manager. The notice of appeal shall be on a form provided by the city and shall set forth in reasonable detail the decision or action appealed from and the facts and arguments supporting the appellant's request for reversal or modification of the city manager's determination.

(b) A hearing shall be conducted by the council on the appeal according to procedures to be established by the city. The council shall reverse, affirm or modify the order of the city manager.

(7) **Legal Action.** If any person discharges sewage, industrial wastes, or other wastewater into the wastewater treatment system contrary to the provisions of this ordinance, federal or state pretreatment requirements, or any order of the city, appropriate action may be commenced by the city attorney in the Circuit Court of Coos County.

Section 32. Costs and Penalties.

(1) **Damages.** Any person who violates this ordinance or a condition of the wastewater discharge permit, as a result of which the city performs or causes to be performed preventive or corrective work or which results in damage to the city sewerage system shall be liable to the city for such damage and the cost of such damage and the cost of such corrective work, additional treatment and for any penalties, including withholding of any grant money, levied against the city for violation of state and federal permits resulting from said violation. The city may collect such charges in the manner provided in for the collection of sewer user charges, in accordance with manner provided by law.

(2) **Civil Penalties.** Any user who is found to have violated an order of the city or who willfully or negligently failed to comply with any provision of this ordinance, and the orders, rules, regulations and permits issued hereunder, upon conviction shall be fined not less than One Hundred Dollars (\$100) nor more than One Thousand dollars (\$1000) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

(3) **Falsifying Information.** Any person who knowingly makes an false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall, upon conviction, be punished by a fine of not more than One Thousand dollars (\$1000).

[Section 33 and 34 reserved for expansion]

GENERAL PROVISIONS

Section 35. Severability. The sections and subsection of this ordinance are severable. the invalidity of one section or subsection shall not affect the validity of the remaining sections or subsections.

Section 36. Conflict. In the event that any provision of this ordinance conflicts or is otherwise inconsistent with the latest edition of the Uniform Plumbing Code the provisions of this ordinance shall prevail.

Section 37. Repeal. Ordinance No. 2633, passed April 14, 1975, as amended by Ordinance No. 2659, passed January 12, 1976, and as amended by Ordinance No. 24, passed May 14, 1984, is hereby repealed.

Passed by the council and approved by the mayor January 24, 1989.