

ARCH CAPE SANITARY DISTRICT ORDINANCE NO.18-01SD

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM(S); PROVIDING PENALTIES FOR VIOLATIONS THEREOF; AND AMENDING AND SUPERSEDING PRIOR RULES AND REGULATIONS RELATING THERETO.

Be it ordained and enacted by the Board of Directors of the Arch Cape Sanitary District, State of Oregon, as follows:

ORDINANCE 07-01-SD (2007) is hereby amended as follows (deletions are show in in ~~strike-through~~ format; new text is shown in **bold-face type**):

SECTION 1. DEFINITIONS

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

- 1.1. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees centigrade expressed in terms of weight and concentration [milligrams per liter (mg/l)].
- 1.2. Board. The Board of Directors of the Arch Cape Sanitary District.
- 1.3. Building Drain. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
- 1.4. Building Sewer. The extension from the building drain to the public sewer or other place of disposal.
- 1.5. Cooling Water. The water discharged from any use (such as air-conditioning, cooling, or refrigeration) to which the pollutant added is heat.
- 1.6. District. The Arch Cape Sanitary District.
- 1.7. Engineer. The Engineer of the district or his/her authorized deputy, agent, or representative.
- 1.8. Garbage. Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
- 1.9. Industrial Wastes. The liquid wastes from industrial manufacturing processes, trade, or

business as distinct from sanitary sewage.

- 1.10. Infiltration. That water other than sewage which enters the sewer system from the surrounding soil, typically from broken pipes, or defective joints in pipe and manhole walls.
- 1.11. Inflow. Water from storm water runoff which directly enters the sewerage system only during or immediately after rainfall. Typical points of entry include connections with roof and area drains, storm drain connections, and holes in manhole covers in flooded streets.
- 1.12. Interference. A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
 - a. Inhibits or disrupts the municipal wastewater system, its treatment processes or operations, or its sludge processes, use or disposal; and
 - b. Therefore is a cause of a violation of any requirement of the NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) [including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA], the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection Research and Sanctuaries Act.
- 1.13. Natural Outlet. Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- 1.14. Pass Through. A discharge which exits the treatment plant effluent into waters of the State of Oregon in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the District's NPDES permit (including an increase in the magnitude or duration of a violation).
- 1.15. Person. Any individual, firm, company, association, society, corporation, group, or any other legal entity, including all Federal, State, or local governmental entities.
- 1.16. pH. The logarithm of the reciprocal of the hydrogen ion concentration (grams/liter)
- 1.17. Properly Shredded Garbage. The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch (1.27 centimeters) in any dimension.
- 1.18. Public Sewer. A sewer controlled by the District to which all owners of abutting properties shall have equal rights to make connection and to use, subject to rules, regulations, code provisions and ordinances of the District.
- 1.19. Sanitary Sewer. A sewer which carries sewage and to which storm, surface and ground water are not intentionally admitted.

- 1.20. Service Connection. A public sewer which has been to the property line or right-of-way from a public sewer lateral or main for the sole purpose of providing a connection for the building sewer.
- 1.21. Sewage. A combination of water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm water as may be present. The term “sewage” means wastewater.
- 1.22. Sewage Treatment Plant. Any arrangement of devices and structures used for treating sewage.
- 1.23. Sewerage Works. All District facilities for collecting, pumping, treating, irrigating, and discharging District sewage.
- 1.24. Storm Sewer or Storm Drain. A sewer which carries storm and surface waters and drainage but excludes sewage and polluted industrial wastes.
- 1.25. Suspended Solids. Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
- 1.26. User. Any person who contributes, or causes or allows the contribution of, sewage or industrial wastewater into the municipal treatment works, including persons who contribute such wastes from mobile sources.
- 1.27. Watercourse or Waterway. A channel in which a flow of water occurs, either continuously or intermittently.

SECTION 2. USE OF PUBLIC SEWERS REQUIRED

- 2.1. 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 District or in any area under the jurisdiction of the District, any human or animal excrement, garbage, or other objectionable waste.
- 2.2. It shall be unlawful to discharge to any natural outlet within the District or in any area under the jurisdiction of the District, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- 2.3. Except as provided in Section 3, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal and treatment of sewage.
- 2.4. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the District and abutting on any street, alley, or right-of-way in which there is now located, or may in the future be

located, a public sanitary sewer, is required at his/her expense to connect such facilities with District sewers, **in compliance with paragraph 3.4 of this Ordinance.**

Unless otherwise agreed in writing by the Board pursuant to paragraph 2.5 below, connection shall be made directly with the proper public sewer in accordance with the provisions of this ordinance within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line.

- 2.5. Upon written petition to the Board objecting to the imposition of Section 2.4, the Board may consider such objection at a regular meeting; may rescind, revise, or uphold the decision; and **shall** notify the petitioner in writing within 14 days **of its decision.**

SECTION 3. PRIVATE SEWAGE DISPOSAL

- 3.1** Where a public sanitary sewer is not available under the provisions of Section 2, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section and the Oregon Plumbing Specialty Code.
- 3.2** Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit from the Oregon Department of Environmental Quality (DEQ) or its authorized agent.
- 3.3** **The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the District.**
- 3.4** At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Section 2, a direct connection shall be made to the public sewer, and any septic tanks, cesspools, and similar private sewage disposal facility shall be abandoned in accordance with State law at no expense to the District. ~~Reference Arch Cape Sanitary District Resolution No. 04-6SD; 12/10/04.~~
- a. The connection shall comply with all construction standards for tying into the District's infrastructure. A copy of the applicable standards may be obtained upon request to the District Engineer.
- b. All District system development charges, improvement fees and infrastructure development charges then in effect shall be due and payable upon District approval of the connection.
- ~~3.4 The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the District.~~
- 3.5** No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by DEQ.

SECTION 4. SEPTIC TANK WASTE

- 4.1 Septic tank waste (septage) shall not be received into the District treatment works or collection system.

SECTION 5. BUILDING SEWERS AND CONNECTIONS

- 5.1 No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the District.
- 5.2 The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the District. A permit and inspection fee (which will be set by resolution) shall be paid to the District at the time the application is filed.
- 5.3 All costs and expense incident to the installation of the building sewer shall be borne by the owner. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation.
- 5.4 A separate and independent building sewer shall be provided for every building served by the District unless otherwise approved by the District servicing a remodel or building upgrade. New structures shall be served with new building sewers. Existing building sewers shall be replaced by a licensed installer who shall submit evidence of code compliance to the district.
- 5.5 The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the District. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) and/or the Water Pollution Control Federation (WPCF), Manual of Practice No. 9, shall apply.
- 5.6 The building sewer shall be brought to the building at an elevation below the basement floor whenever possible. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- 5.7 No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer.
- 5.8 The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the District before installation.
- 5.9 The applicant for the building sewer permit shall notify the District when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the District or authorized representative.

- 5.10 All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District.

SECTION 6. USE OF THE PUBLIC SEWERS

6.1 Prohibited Discharges

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause interference or pass through. These general prohibitions apply to all users of the municipal treatment system whether or not the user is subject to categorical pretreatment standards or any other National, State or local pretreatment standards or requirements. Furthermore, no user may contribute the following substances to the system:

- a. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the municipal treatment system. Included in this prohibition are waste streams with a closed cup flashpoint of less than 140EF (60EC) using the test methods prescribed in 40 CFR 261.21.
- b. Solid or viscous substances in amounts or characteristics which will interfere with pumps, piping or valves.
- c. Any fat, oils or greases, including but not limited to petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
- d. Any wastewater having a pH less than 6.0 or more than 9.0.
- e. Any wastewater containing pollutants or toxic substances in sufficient quantity (flow or concentration), either singly or by interaction with other pollutants, to pass through or interfere with the municipal treatment system, any wastewater treatment or sludge process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.
- f. Any noxious or malodorous liquids, gases, or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- g. Any substance which may cause the treatment plant effluent or any other residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the system cause the District to be in noncompliance with sludge use or disposal regulations or permits issued under section 405 of the Clean Water Act; the Solid Waste Disposal Act, the

Clean Air Act, the Toxic Substances Control Act, or other State requirements applicable to sludge use and land application practices.

- h. Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes, laundry wastes, and vegetable tanning solutions, which consequently imparts color to the treatment plant effluent thereby violating the District's NPDES permit.
- l. Any wastewater having a temperature greater than 150°F (55°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 introduction into the treatment plant to exceed 77°F (25°C).
- J. Any wastewater containing any radioactive waste or isotopes except as specifically approved by the District in compliance with applicable State or Federal regulations.
- k. Any pollutants which result in the presence of toxic gases, vapor or fumes within the system in a quantity that may cause worker health and safety problems.
- l. Any trucked or hauled pollutants.
- m. Storm water, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, cooling water and unpolluted industrial wastewater, unless specifically authorized by the District. (NOTE: Certain of these waters may require an NPDES permit from DEQ if discharged to a storm sewer or natural outlet.)
- n. Any sludges, screenings, or other residues from the pretreatment of industrial wastes.
- o. Any medical wastes, except as specifically authorized by the District in a wastewater permit.
- p. Any material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfere with the municipal treatment system.
- q. Any wastewater causing the treatment plant effluent to demonstrate toxicity to test species during a biomonitoring evaluation.
- r. Recognizable portions of the human or animal anatomy.
- s. Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the municipal treatment system.
- t. Water or wastes exceeding a five-day Biochemical Oxygen Demand of 300 milligrams per liter or suspended solids exceeding 300 milligrams per liter.
- u. Wastes prohibited by this section shall not be processed or stored in such a manner they could be discharged to the municipal treatment system.

6.2 Federal Categorical Pretreatment Standards

Users subject to categorical pretreatment standards are required to comply with applicable standards as set out in 40 CFR Chapter I, Subchapter N, Parts 405-471 and incorporated herein.

6.3 State Requirements

Users are required to comply with applicable State pretreatment standards and requirements set out in OAR Chapter 340. These standards and requirements are incorporated herein.

6.4 Specific Pollutant Limitations

No non-residential user shall discharge wastewater containing restricted substances into the municipal treatment system in excess of limitations specified in its Wastewater Discharge Permit. The District may revise from time to time standards for specific restricted substances.

At its discretion, the District may impose mass limitations in addition to or in place of the concentration-based limitations referenced above.

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

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

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

6.6 Where preliminary treatment or flow-equalizing facilities are provided for any wastewater, they shall be maintained continuously in satisfactory and effective operation by the owner at his/her expense.

6.7 Grease, oil, and sand interceptors shall be provided when, in the opinion of the District, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients. However, such interceptors shall not be required for private residences. All interceptors shall be of a type and capacity approved by the District and shall be located so as to be readily and easily accessible for cleaning and inspection.

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

Except as indicated below, wastewater samples collected for purposes of determining compliance with standards and requirements of this ordinance must be obtained using flow proportional composite collection techniques. In the event that flow proportional sampling is infeasible, the District may authorize the use of time proportional or grab sampling.

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

- 6.9 No statement contained in this Article shall be construed to prohibit an agreement between the District and any person whereby a discharge of unusual strength or character may be accepted by the District for treatment. Such an agreement may be made when, in the opinion of the District, special circumstances justify such agreement, provided that no interference or pass through result from the discharge and no additional costs are incurred by the District without recompense by the person. Federal and State pretreatment standards and requirements shall not be waived by any special agreement of the parties.

SECTION 7. INFILTRATION AND INFLOW

- 7.1 All property owners identified by the District as contributors to excessive or improper infiltration or inflow into the treatment works shall be advised of their infiltration and inflow problems.
- 7.2 All such situation properties shall be provided a 60-day grace period in which to correct the infiltration and inflow problems as identified, said 60-day grace period to extend from the date of notification.
- 7.3 By the end of the 60-day grace period, each property owner shall notify the District that corrective actions have been taken or are in progress, which actions shall be specified in the notification to the District.
- 7.4 A property owner failing to notify the District of corrective actions prior to the end of the 60-day grace period shall be subject to termination of service, without further notice, until the violation shall have been corrected in accordance with Federal, State and District regulations.
- 7.5 In the event any instance of excessive or improper infiltration or inflow into the treatment works of the District shall continue beyond the 60-day grace period, it is hereby declared that such continuing infiltration or inflow is a public nuisance, that the District shall have the right to abate such public nuisance, and to enter upon any private property within the District for such purpose and shall assess the cost of such abatement as a lien against the property upon which such continuing infiltration and inflow occurs and shall assess the cost of such abatement to the property upon or from which infiltration and inflow occurs.

SECTION 8. PROTECTION FROM DAMAGE

- 8.1 No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewerage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

SECTION 9. POWERS AND AUTHORITY OF INSPECTORS

- 9.1 The District employees displaying proper credentials and identification shall have the right to enter the facilities of any industrial user to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Industrial users shall allow the authorized District representatives ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.
- a. Where a user has security measures in force which require proper identification and clearance before entry into their premises, the industrial user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, persons from the District, state, and federal government will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

SECTION 10. ENFORCEMENT

- 10.1 Any person found to be in violation of Section 8 of this ordinance, shall be guilty of disorderly conduct and upon conviction shall be subject to a fine not to exceed \$500.00 for each day of violation for a period not to exceed 100 days. This notice shall be in addition to, and in no way limit, any additional enforcement actions which the District deems necessary and the recovery of reasonable costs of litigation through appeal.
- 10.2 **The District shall be entitled to recover from any person found to be in violation of this Ordinance: (a) costs incurred by the District to enforce compliance with this Ordinance, including but not limited to reasonable attorney fees and costs incurred in any legal proceeding initiated to compel compliance; (b) any costs incurred by the District which are deemed necessary to remedy a public health hazard created or threatened by the failure to comply; and (c) any other criminal or civil penalties imposed upon the owner or the property by the District or by any other regulatory body.**
- 10.3 **Any person found to be in violation of Section 2 or Section 3 of this Ordinance shall be subject to a penalty not to exceed the sum of \$500.00 for each day or portion thereof that the violation continues, beginning on the first day after the date of the written notice to comply through the date of written District approval of both the connection to the sanitary system and decommissioning of the private disposal system. This penalty amount shall be in addition to any other fees and costs recoverable under this Section.**
- 10.4 **Any unpaid penalties or other costs incurred by the District under this paragraph shall create a lien upon the subject real property, which may be recorded in the property records and collected in any manner permitted by law.**

10.5 The District may suspend the wastewater treatment service and/or a wastewater permit when such suspension is necessary, in the opinion of the District, 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, or causes the District to violate any condition of its NPDES permit.

SECTION 11. VALIDITY; EFFECT ON PRIOR ORDINANCES AND RULES

11.1 All **earlier adopted** ordinances or parts of ordinances, **rules, policies, or resolutions, which are** inconsistent or conflicting with any part of this ordinance are hereby repealed ~~and superseded by this Ordinance as of its Effective Date.~~ ~~and such invalidity shall not affect the validity of all other ordinances.~~

SECTION 12. ~~ORDINANCE IN FORCE~~ Effective Date

12.1 This ordinance shall be in full force and effect ~~from and after its passage, approval, recording, and publication~~ **thirty (30) days after final adoption** as provided by law of the state of Oregon.

12.2 Passed and adopted by the Board of the Arch Cape Sanitary District this _____ day of _____, 2018.

Board President

ATTEST:

Board Secretary

FIRST READING: _____

SECOND READING: _____

FINALLY APPROVED AND ADOPTED: _____

AYES: _____

NAYS: _____