

**ORDINANCE NO. A-219**

**AN ORDINANCE CONCERNING WASTEWATER SYSTEM USE AND SEWER RATES AND OTHER REGULATIONS OF SEWER USE AND SETTING AN EFFECTIVE DATE**

**WHEREAS**, The City of Coburg is developing a wastewater treatment and collection system that will provide wastewater services to all areas of the City; and

**WHEREAS**, it is necessary to establish regulations regarding the use of the wastewater system and the rates to be charged for the use thereof; and

**WHEREAS**, the City of Coburg must make provision for the payment of the costs of construction, land and right-of-way acquisition, engineering, financing, permitting, and planning the Wastewater System and after construction the cost of debt service, operation, and maintenance of the City's wastewater system; and

**WHEREAS**, the City of Coburg must take steps to protect its residents from potential or actual health hazards caused by an excessive number of septic drainfields; and

**WHEREAS**, the State of Oregon Department of Environmental Quality requires the City to apply for and to maintain compliance with a National Pollutant Discharge Elimination System (NPDES) permit to operate the sewage treatment plant: and

**WHEREAS**, that permit contains specific requirements that the City must meet to protect the health of Oregonians and the safety of the wastewater system; and

**WHEREAS**, the City intends to manage the Wastewater System as a financially self-supporting enterprise fund using the sale of services as the primary source of revenue to pay a portion of the ownership costs and all the operating costs of the Wastewater System.

**THE CITY OF COBURG ORDAINS AS FOLLOWS:**

**Purpose and Policy**

This ordinance sets forth requirements for Users of the Wastewater System for the City of Coburg, and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the *Code of Federal Regulations* [CFR] Part 403). The objectives of this ordinance are:

- A. To regulate the use of the City's wastewater collection system and wastewater treatment plant and effluent discharge system, that together comprise the Wastewater System,
- B. To provide a method for setting rates and charges for the equitable distribution of the cost of owning and operating the Wastewater System

- C. To prevent the introduction of pollutants into the Wastewater System that will interfere with its operation and produce an Upset as defined in the City's NPDES permit;
- D. To prevent the introduction of pollutants into the Wastewater System that will pass through the Wastewater Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Wastewater System, or cause violation of the City's NPDES permit;
- E. To protect both the Wastewater System personnel who may be affected by wastewater, effluent, and sludge in the course of their employment and the general public;
- F. To promote reuse and recycling of wastewater and biosolids from the Wastewater System;
- G. To enable the City to comply with its NPDES permit conditions, biosolids use and disposal requirements, and effluent discharge and any other Federal or State laws to which the Wastewater System is subject.

This ordinance shall apply to all Users of the Wastewater System. The ordinance authorizes the issuance of individual wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; establishes access easements; and provides for the setting of rates and charges for the equitable distribution of costs resulting from the program established herein.

## **SECTION 1. DEFINITIONS**

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

Sec. 1.010 APHA: American Public Health Association.

Sec. 1.020 Applicant: An Owner (or the person acting on behalf of the Owner) who completes and signs an application to install a STEP Sewer System.

Sec. 1.030 ASTM: American Society for Testing and Materials.

Sec. 1.040 Building Drain: Those elements of the building sanitary drainage system that receive the building wastewater and convey it to the Building Sewer.

Sec. 1.050 Building Sewer: Those portions of the building sanitary drainage system that convey wastewaters to the STEP system. The Building Sewer begins at a cleanout and includes

the cleanout, installed as directed by the building official outside the building wall, but does not include any portion of the building sanitary drainage system in or under any building..

Sec. 1.060 City: The City of Coburg.

Sec. 1.070 City STEP Sewer Standards: Those criteria and standards concerning the design, placement and construction of STEP Sewer Systems on private property developed by the Superintendent and effective for all STEP Sewer System installations within the City.

Sec. 1.080 Connection Charge: The charge for connection to the system including the cost for materials and labor in making the actual connection and other costs as determined by the Council. The Connection Charge is separate from the City's Wastewater System Development Charge.

Sec 1.090 DEQ: The Department of Environmental Quality, a state agency (or the agency performing the same environmental quality controls in the future by what ever name known).

Sec. 1.100 Easement: An acquired and recorded legal right for the specific use of land owned by others.

Sec. 1.110 Electrical Service: The electrical circuit in the STEP Sewer System used exclusively for the electro mechanical systems in the Interceptor Tank including the pump control panel disconnect, but not including the building electrical panel or wiring leading to the control panel disconnect.

Sec. 1.120 Floatable Oil: Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

Sec. 1.130 Garbage: The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

Sec. 1.140 Industrial Wastes: The wastewater from industrial processes, trade, or businesses as distinct from domestic or sanitary wastes.

Sec. 1.150 Interceptor Tank: A septic tank-like structure, watertight and structurally sound, which contains facilities for pumping effluent.

Sec. 1.160 Interference: A pollutant that could compromise the effectiveness of the treatment system, or interfere with the treatment system performance.

Sec 1.165 Large STEP Sewer System: A STEP Sewer System, installed according to State and City standards, where the size of the Interceptor Tank, or Tanks, is greater than 1500 gallons.

Sec. 1.170 May: Is permissive.

Sec. 1.180 Owner: The person or persons listed as the owner(s) of real property according to the Lane County Department of Assessment and Taxation, or the unrecorded actual successor in interest. Also includes purchaser under land sale contract.

Sec. 1.190 NPDES Permit: The National Pollutant Discharge Elimination Permit issued to the City by DEQ on July 20, 2009 (Number 102979), and any subsequent amendment to the permit.

Sec. 1.200 Pass Through: A pollutant or some portion of a pollutant that would pass through the treatment plant and not be removed.

Sec. 1.210 Person: Any individual, firm, company, association, society, corporation, or group.

Sec. 1.220 pH: The logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen-ions in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of  $10^{-7}$ .

Sec. 1.230 Practical route: That route determined by the Superintendent to be economically feasible.

Sec. 1.240 Proper testing: The administration and documentation of the tests required by the City STEP Sewer Standards.

Sec. 1.250 Properly shredded garbage: The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the building drain with no particle greater than 1/4 inch (6 millimeters) in any dimension.

Sec. 1.270 Service Rates: The service rate, normally monthly, levied for operation and maintenance of the Wastewater System and to pay the annual costs of owning and operating the Wastewater System and for other related costs as set by the Council.

Sec. 1.280 Service Lines: Sewer installed on property to connect the Interceptor Tank serving the structures thereon to the System Piping.

Sec. 1.290 Sewer: A pipe or conduit that carries wastewater or drainage water.

Sec. 1.300 Shall: Is mandatory.

Sec. 1.310 Slug: Is any discharge of water or waste-water which in concentration of any given constituent or in quantity of flow shall adversely affect the collection system or performance of the wastewater treatment works, including a discharge which, for a period

longer than 15 minutes, has a flow rate or concentration of any given constituent that exceeds more than five (5) times the average twenty-four (24) hour flow rate or concentration of normal operation.

Sec 1.315 Small STEP Sewer System: A STEP Sewer System in compliance with all State and City standards, where the total capacity of the Interceptor Tank or Tanks on a parcel, or accepting wastewater from any structure on a property, is no greater than 1,500 gallons.

Sec. 1.320 STEP Sewer Connection Permit: A permit granted by the City that authorizes an Owner to install a STEP Sewer System on Owner's property and connect it to the System Piping.

Sec. 1.330 STEP Sewer System: The assemblage of parts including the Building Sewer, Interceptor Tank, Electrical Service, electrical wiring to Interceptor Tank, the Service Line and all the related connections and internal parts.

Sec. 1.340 Storm Drain (or "storm sewer"): A drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

Sec. 1.350 Superintendent: The Coburg City Administrator or, when a person is employed in that position, the Superintendent of the Coburg Wastewater System, or the properly authorized deputy, agent or representative of the City.

Sec. 1.360 Suspended Solids: Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in the most recent edition of "Standard Methods for the Examination of Water and Wastewater."

Sec. 1.370 System Piping: The main wastewater transmission pipes and the laterals which collect wastewater from Service Lines and transport it to the Wastewater Treatment Works.

Sec. 1.380 Unpolluted Water: Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the Wastewaters and wastewater treatment facilities provided.

Sec. 1.360 User: Any Person occupying or using a building that has plumbing fixtures that collect and transmit wastewater to the Wastewater System.

Sec. 1.370 WPCF: Water Pollution Control Facility.

Sec. 1.380 Wastewater: The spent water of a community. From the standpoint of source, it maybe a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.

Sec. 1.390 Wastewater System: The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent. The Wastewater System includes the STEP Sewer Systems, System Piping and Wastewater Treatment Works.

Sec. 1.400 Wastewater Treatment Works: An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water reclamation facility."

Sec. 1.410 Water Course: A natural or artificial channel for the passage of water either continuously or intermittently.

## **SECTION 2. USE OF PUBLIC SEWERS REQUIRED**

Sec. 2.010 It shall be unlawful to discharge any wastewater or other polluted waters, from any house, building or structure except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Sec. 2.020 Except as hereinafter provided, it shall be unlawful to construct or use any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

Sec. 2.030 The Owners of all property within the corporate boundaries of the City are hereby required, in accordance with the provisions of this ordinance and within 60 days after date of official notice to do so, to connect the wastewater plumbing of any house, building or structure now existing or subsequently developed, to the Wastewater System when any System Piping, initially constructed or extensions thereafter, is located within 200 feet, measured along the practical route to such premises and is otherwise available for connection. The 200-foot distance shall be calculated by measuring from the lot line closest to the existing portion of the City's System Piping.

Sec. 2.040 Proceedings to extend System Piping to an Owner or Owners of property within the boundaries of the City who did not connect the wastewater plumbing of any house, building or other structure to the system because the System Piping was not within 200 feet as provided in Sec. 2.030 may be initiated by the Council by resolution or by a petition to the Council. Provided, however, that such Owner or Owners may request the Superintendent for connection to the system by a Service Line(s). If such request is granted, the requesting Owner shall pay the prevailing connection fee plus the actual costs of installing any piping beyond 200 feet from the System Piping. If the Superintendent determines, however, that extension by service lines is unfeasible or otherwise unwarranted because an extension of System Piping is called for, he shall not grant the request and advise the requesting Owner or Owners to petition the Council for an extension of System Piping.

Sec. 2.050 The Superintendent may authorize the connection of more than one structure on the premises, whether residential, commercial or industrial to a STEP Sewer System

installation serving the property. Any multiple connections must receive prior written approval from the Superintendent before a construction permit will be issued.

### **SECTION 3. PRIVATE WASTEWATER DISPOSAL**

Sec. 3.010 Where the Wastewater System is not available under the provisions of Sec. 2.030 the Building Sewer shall be connected to a private wastewater disposal system complying with the subsurface sewage disposal provisions of the DEQ, Lane County, and any applicable City standards.

Sec. 3.020 At such time as the Wastewater System becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the Wastewater System within 60 days after official notice to do so in compliance with this ordinance, and any septic tanks, cesspools, and similar private wastewater disposal facilities not utilized in the connection to the public sewer shall be decommissioned pursuant to the existing DEQ rules and regulations, together with state and federal law.

### **SECTION 4. SEWER, CONNECTIONS AND DESIGN**

Sec. 4.010 No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any part of the Wastewater System without first obtaining a written permit from the Superintendent.

Sec. 4.020 Applications for the STEP Sewer Connection Permit shall be obtained from the Superintendent and completed permits shall be filed by the Superintendent. The application shall be on a form prepared by the City and shall require such information as the Superintendent shall require, including but not limited to: the name and address of the Owner; the correct address and legal description of the property to be served; the anticipated or actual use of the property to be served; and the name, address and Construction Contractors Board registration number of the contractor who will be doing the work. The form shall also contain;

- (a) a statement regarding the grant of an access easement to the City, which grant of an easement may be duplicated on a separate document for the purposes of recording,
- (b) an acknowledgement of the obligation to pay all charges related to connection and use of the wastewater system,
- (c) an acknowledgement that failure to pay any such charge may result in the loss of other City services and a lien being placed on the property served,
- (d) a statement that Owner(s) shall defend, indemnify, and hold the City harmless

from any loss or damage that may directly or indirectly be occasioned by the City's inspection and maintenance of the STEP Sewer System on Owner's property, and

- (e) a statement of the property owner's responsibilities, including, but not limited to, maintaining adequate electrical connection, reporting STEP Sewer System problems, and avoiding actions that will damage the STEP Sewer System or interfere with the operation of the Wastewater System.

Sec: 4.030 During initial construction of the Wastewater System, the City may, by Council motion, waive the requirements for submission of an application and substitute alternative methods for some or all properties in the City.

Sec. 4.040 There shall be four classes of written permits;

- (a) single family residential
- (b) multi-family including manufactured home parks or any other residential service which will use an Interceptor Tank utilized by more than one building, structure, or mobile home or which will have a flow exceeding the equivalent flow of a single family residence,
- (c) commercial, including places of transient residential stays such as hotels and RV Parks, and
- (d) establishments producing industrial wastes.

Sec. 4.050 The Owner shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent or as required in Sec. 4.060 and shall be accompanied by a properly executed easement approved by the Superintendent which permits access by the City to Owner's property for the purpose of installing, constructing, maintaining, and inspecting the STEP Sewer System serving Owner's property.

Sec. 4.060 With each application for a class (b) or (c) or (d) permit (See Sec. 4.040) or for an application to provide sewers to a subdivision, the Applicant shall submit one set of plot plans showing the general layout of the proposed development at a scale no smaller than 1"=100' showing:

- (a) name(s) of Owner and Applicant;
- (b) name of person who prepared plans;
- (c) scale used;
- (d) Building Sewers or Service Lines and their distance from System Piping;

- (e) property line and both existing and proposed layout;
- (f) existing and proposed water lines and other underground utility lines;
- (g) buildings;
- (h) streets; and
- (i) existing private sewage disposal systems

Sec. 4.070 No permit shall be issued under Sec. 4.050 for vacant property until all costs associated with a connection to the Wastewater System are paid, including the connection charge and any system development charges. Vacant property for the purpose of this section means property with no houses located upon it or property which has a building or structure upon it but such building or structure does not have plumbing.

Sec. 4.080 The Council shall establish, by resolution, the allocation of financial responsibility for the construction of STEP Sewer Systems during the period of initial construction of the City Wastewater System. The Council may, by resolution, provide for the waiver of any permit fee or connection fee during the period of initial construction of the City Wastewater System. Any resolution adopted pursuant to this section may provide for differences in fees or costs, based on the types or classes of users. Except as otherwise provided by the Council in a resolution permitted pursuant to this section, the Owner of property where a STEP Sewer System is proposed to be located shall be responsible for the purchase and installation of all STEP Sewer System components.

Sec. 4.090 Owner shall provide an adequate electrical connection for every STEP Sewer System.

Sec. 4.100 Existing Building Sewers may be used in connection with new buildings only when they meet all requirements of the applicable plumbing code.

Sec. 4.110 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 State of Oregon and the City STEP Sewer Standards. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the DEQ Design Guidelines for STEP sewers and WPCF Manual of Practice FD 12 shall apply.

Sec. 4.120 Whenever possible, the Building Sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the Interceptor Tank, Wastewater carried by such building drain shall be lifted by an approved means and discharged to the Building Sewer.

Sec. 4.130 No person(s) shall make connection of roof downspouts, foundations drains, areaway drains, sump pumps, or other sources of surface runoff or groundwater to a Building Sewer or STEP Sewer System unless such connection is approved by the Superintendent in writing for purposes of disposal of polluted surface drainage. Otherwise, no infiltration or inflow shall be permitted. This section is in addition to and does not supersede any previous City ordinances.

Sec. 4.140 The connection of the Building Sewer into the Interceptor Tank shall conform to the requirements of the applicable plumbing code and City STEP Sewer Standards. All such connections shall be made gas-tight and water-tight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

Sec. 4.150 The Applicant for the sewer permit shall notify the Superintendent when the Building Sewer is ready for inspection and connection to the Interceptor Tank. The connection and testing shall be made under the supervision of the Superintendent or his representative in cooperation with the City designated Official.

Sec. 4.160 All excavations for 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 City and in accord with the right of way permit issued by the City.

Sec. 4.170 Plumbing within newly constructed houses, buildings, or structures shall be so oriented unless otherwise approved by the Superintendent as to allow uninterrupted flow to the location of the Interceptor Tank and connection point to the System Piping, and shall be in conformity with the City STEP Sewer Standards.

Sec. 4.180 Upon sale of a subdivided or partitioned parcel with a house, building or structure utilizing an Interceptor Tank common to another house, building or structure which was not included in the sale or located on the parcel after division, a separate STEP Sewer System shall be installed so that each parcel has an independent STEP Sewer System, unless an alternative is approved in advance by the Superintendent.

Sec. 4.190 The Council shall, by resolution, establish STEP Sewer System maintenance and ownership responsibilities. The resolution may provide for ownership and maintenance responsibilities by classes of Users. The City of Coburg remains ultimately responsible for the safe operation of the wastewater system. Notwithstanding any other provision of law, the City retains the right and obligation to make certain that each STEP Sewer System is constructed, installed and operated in compliance with this ordinance and all other applicable City, State and national standards. The City's responsibilities described in this section, and the assignment of maintenance and ownership responsibilities provided for in a resolution begin upon the completion of each of the following:

- (e) issuance of a permit;

- (f) connection of the system to the Sewer Piping;
- (g) completion of all work and approval of said work by the City as described in section 4.150.
- (h) submission to the City of a set of as-built drawings, satisfactory to the Superintendent. The as built drawings shall be prepared on a site map showing the location of the STEP Sewer System components, and such other information as shall be deemed pertinent by the Superintendent. Record of all required submissions shall be kept on file by the City.
- (i) submission of a recordable easement in a form approved by the City, allowing the City access for maintenance and replacement.

Sec. 4.200 An easement being necessary for the City to clean or maintain STEP Sewer Systems installed on private property and to gain access to inspect the system from time to time, and to replace any portion of the STEP Sewer System that requires replacement, an access easement to private properties in the City equipped with a STEP Sewer System is hereby created on all private properties when a STEP Sewer System is installed. The application for a sewer permit shall include an acknowledgement of the grant of this easement.

Sec. 4.210 It shall be unlawful for any person to install improvements in any manner other than that set forth in a validly issued a STEP Sewer System Connection Permit. During the course of construction of improvements, the installation shall be subject to inspection by the Superintendent, both before installation is covered and upon final completion. It shall be unlawful for any person to break, alter, or tamper with any System Piping, except that, when authorized by permit, a or owner's contractor may connect to an existing facility that exists for the purpose of allowing a connection, provided that such a connection shall be inspected and approved by the Superintendent. It shall be unlawful to disconnect any STEP Sewer System, or other connection to the Wastewater System or remove any portion of a STEP Sewer System without securing prior written approval from the Superintendent. The discontinued service shall be turned off or sealed in a manner that is acceptable to the Superintendent. All expenses for disconnecting from the sewer collection system shall be borne by the Owner. It shall be unlawful for any person to knowingly, deliberately or recklessly introduce any substance, whether listed in this ordinance or not, that will damage or disable any STEP Sewer System. It shall be unlawful for any person to take any action, whether above ground or by excavation, that will harm, damage or disable the STEP Sewer System on any property, or to otherwise interfere with the integrity of a STEP Sewer System. The owner of property where a STEP Sewer System is located is responsible for the prevention of any unlawful acts set forth in this Sec 4.210. Any unlawful act set forth in this Sec 4.210 and the resulting damage to the STEP Sewer System, shall be considered a nuisance endangering public health and shall be subject to the City's nuisance laws, including abatement by the City at the Owner's expense.

Sec. 4.220 The approval of the design and installation of a STEP Sewer System by the City, or any connection to the Wastewater System shall not relieve the Owner of the

responsibility for obtaining other permits or licenses as may be required by the City, the County, the State or other agency, nor shall it be deemed to be a statement by the City that the installation was performed without defect in workmanship, parts or material. It shall be the responsibility of the Owner (or the Owner's agent) to contact other utility service providers to determine the location of other utility facilities before commencing work and they shall have the responsibility for protecting such other facilities during the course of construction. The discovery of any material omission or misrepresentation on a permit application or other documentation required for the issuance of a permit shall mean that the original permit and the City's acceptance of ownership (if any) is void and the Owner shall have full responsibility for repair or replacement to bring the STEP Sewer system into full compliance with applicable standards, at which time the City may issue a replacement permit.

Sec. 4.230 The owner of property where a STEP Sewer System is installed shall be responsible at all times to fully comply with this ordinance and otherwise act in a manner that preserves the STEP Sewer System from harm or damage. If, in the course of an inspection, or upon an investigation following an inspection, the Superintendent determines that the Owner of property where a STEP Sewer System is located, or any person on the property with the permission of the owner, has acted in a manner contrary to any provision of this ordinance in such a way that any component of the STEP Sewer System is damaged in a way that requires repair or replacement, other than deterioration through normal wear and tear, the Superintendent shall notify the Owner of that determination of a premature need to repair or replace the system components. Notwithstanding any other provision of this ordinance, any Owner receiving such notice of a premature need to repair or replace any component of a STEP Sewer System shall be financially responsible for the repair or replacement of that component or components to a standard adequate to comply with State and City requirements. If Owner fails to make the specified repairs or replacement within the time specified in the Superintendent's notice, the damaged STEP Sewer System shall be considered a nuisance creating an immediate hazard to public health, and the City shall have the right to enter upon the property to take such actions as are deemed necessary by the Superintendent and to charge the Owner for the cost of such repair or replacement according to the City nuisance ordinance.

## **SECTION 5. USE OF WASTEWATER SYSTEM**

Sec. 5.010 No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to the Wastewater System.

Sec. 5.020 No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to the Wastewater System:

- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (b) Any waters containing toxic or poisonous solids, liquids, or gases in sufficient concentration, either singly or by interaction with other wastes, to injure or

interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater facilities.

- (c) Any waters or wastes having a pH lower than 5.5 or greater than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater facilities.
- (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.
- (e) Ceramic dusts or particles or other abrasive substances.
- (f) Any water received through infiltration or inflow.
- (g) Except where required by law, any pharmaceutical or controlled substance. Pharmaceutical includes any substance listed in the most recent edition of the Physicians Desk Reference.

Sec. 5.030 No User shall introduce or cause to be introduced into the Wastewater System any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements. The following described substances, materials, waters, or waste shall be limited in discharges to the Wastewater System to concentrations or quantities which will not harm the Wastewater System components, nor the Wastewater Treatment works; will not have an adverse effect on the receiving stream; or will not otherwise endanger lives, limbs, public or private property, or constitute a nuisance. The Superintendent may set limitations lower than the limitations established in the regulations below if in his or her opinion such more severe limitations are necessary to meet the above objectives. In forming an opinion as to the acceptability, the Superintendent will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the System Piping, the materials of construction of the Wastewater System, the wastewater treatment process employed, capacity of the Wastewater Treatment Works, degree of treatability of the waste in the Wastewater Treatment Works, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the Wastewater System which shall not be violated without approval of the Superintendent are as follows:

- (a) Wastewater having a temperature higher than 150° Fahrenheit (65° Celsius).
- (b) Wastewater containing more than 25 milligrams per liter of petroleum

oil, nonbiodegradable cutting oils, or product of mineral oil origin.

- (c) Wastewater from industrial plants containing floatable oils, fat, or grease in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 45 and 150 degrees Fahrenheit (7 and 65 degrees Celsius).
- (d) Any garbage that has not been properly shredded (See Sec. 1.250). Garbage grinders are discouraged. The installation of garbage grinders equipped with a motor of  $\frac{3}{4}$  horsepower or greater shall be subject to review and approval of the Superintendent.
- (e) Any waters or wastes containing chromium, copper, zinc, lead, silver, mercury, cyanide, formaldehyde, selenium, molybdenum and similar objectionable or toxic substances to such degree that any such material received in the wastewater at the Wastewater Treatment Works exceeds the limits established by the Superintendent for such materials.
- (f) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Superintendent.
- (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.
- (h) Quantities of flow, concentrations, or both which constitute a Slug (Section 1.270)
- (i) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment work cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (j) Any water or wastes which, by interaction with other water or wastes in the Wastewater System, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
- (k) Pollutants which create a fire or explosive hazard in the System, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) using the test methods specified in 40 CFR 261.21.
- (l) Solid or viscous substances in amounts which will cause obstruction of the flow in the System resulting in Interference.

- (m) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the System.
- (n) Pollutants which result in the presence of toxic gases, vapors, or fumes within the System in a quantity that may cause acute worker health and safety problems and noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair.
- (o) Trucked or hauled pollutants, except at discharge points designated by the Superintendent.
- (p) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent.
- (q) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the Superintendent.

Sec. 5.035 Pollutants, substances, or wastewater prohibited by Section 5 Use of Wastewater System shall not be processed or stored in such a manner that they could be discharged to the Wastewater System.

Sec. 5.040 If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Sec. 5.030, and which in the judgment of the Superintendent, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- (a) Reject the wastes,
- (b) Require pretreatment to an acceptable condition for discharge to the System Piping,
- (c) Require control over the quantities and rates of discharge, and/or
- (d) Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Sec. 5.090.

Sec. 5.045 When considering the alternatives in Section 5.040, the Superintendent shall give consideration to the economic impact of each alternative on the discharger. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent.

Sec. 5.050 Grease, oil and sand interceptors shall be required of food processors, non-residential restaurant facilities, food preparation facilities and may be required of others using or creating grease, oil or sand in a way that any of these types of material might be introduced into the wastewater system when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in Sec. 5.030 (c) or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the Owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by Owner's personnel must be performed by currently licensed waste disposal firms.

Sec. 5.060 Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the Owner at Owner's expense. The Superintendent or another delegated City employee shall have the right of full access to inspect the maintenance and operation of any pretreatment or flow-equalization facility.

Sec. 5.070 When required by the Superintendent, the owner of any property serviced by a Building Sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the Building Sewer to facilitate observation, sampling and measurement of the wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Superintendent. The structure shall be installed by the Owner at Owner's expense and shall be maintained by Owner so as to be safe and accessible at all times.

Sec. 5.080 The Superintendent may require an Applicant or holder of a class (b) or (c) permit (see Sec. 4.020) to provide information needed to determine compliance with this ordinance. Holders of class (d) permits shall be required to provide all the information listed in this subsection. These requirements include:

- (a) Wastewaters discharged, average and peak rate and volume over a specified time period.
- (b) Chemical and biological analysis of wastewaters sampled at specified times, locations, durations and frequencies.

- (c) Information on raw materials, processes, and products affecting wastewater volume and quality.
- (d) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
- (e) A plot plan of sewers on the user's property showing sewer and pretreatment facility location.
- (f) Details of wastewater pretreatment facilities (if applicable).
- (g) Details of system to prevent and control the losses of materials through spills to the public sewer

Sec. 5.090 All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the APHA. Sampling methods, location, times, durations and frequencies are to be determined on an individual basis subject to approval by the Superintendent.

Sec. 5.100 No statement contained in Section 5 Use of Wastewater System shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment.

Sec. 5.110 The provisions of this Ordinance shall be supplemental to the requirements of the City's Industrial Pretreatment standards. In the event of any inconsistencies or discrepancies, the most restrictive provisions shall apply.

## **SECTION 6. PROHIBITIONS**

Sec. 6.010 No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the Wastewater System or drive a motor vehicle over any unprotected Interceptor Tank.

Sec. 6.020 No person shall excavate within any area subject to an easement granting the City access and installation rights for a STEP Sewer System without first obtaining a permit to do so from the Superintendent.

## **SECTION 7. POWERS AND AUTHORITY OF INSPECTORS**

Sec. 7.010 Except as otherwise provided herein, the Superintendent shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Superintendent may be delegated by the Superintendent. The Superintendent

or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. If an Applicant considers some of the required information to be confidential, the Applicant must establish that the revelation to the public of the information in question might result in an advantage to competitors. If the Applicant documents the need for confidentiality, the Superintendent shall keep all such information identified by the Applicant as being confidential in a separate file and shall limit access to the separate file to City personnel who have undertaken to keep such information confidential and who otherwise require access to the information to fulfill their responsibilities as City employees. Any violation of any requirement of this ordinance by a permit holder shall void any pledge of confidentiality on the part of the City if the use of such information is necessary to correct the violation or prevent future violations.

Sec. 7.020 The Superintendent, bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds an easement for the purposes of inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the easement pertaining to the private property involved.

## **SECTION 8. SERVICE RATES AND CONNECTION CHARGE**

Sec. 8.010 Service Rates shall be established by the Council, by resolution, and shall be charged to users or to Owners of property having wastewater plumbing in houses, building or structures connected to the system or that may be connected to the system pursuant to this Ordinance. Service Rates shall begin when the property is eligible to be connected to the City System and be due and payable to the City on dates and in an amount determined by the Council.

Sec. 8.020 Electricity necessary to operate the Interceptor Tank pump shall be paid by the Owner.

Sec. 8.030 Council may establish, by resolution, a Construction Rate or other charges to be imposed before the Wastewater System is operational if Council determines that such a charge will reduce the final cost of the System.

Sec. 8.040 Service rates shall include costs associated with ownership, construction, and operation of the Wastewater System that the Council determines should or must be paid by users of the system consistent with the purposes of this Ordinance.

Sec. 8.050 Council may establish, by resolution, a Connection Charge, and provide the circumstances under which such a charge may be waived.

Sec 8.060 All rates and charges discussed in this section shall be separate from and shall not replace any systems development charge or local improvement district assessment otherwise required by the City.

Sec. 8.070 The Council may establish different categories of users or owners, based on objective criteria. All rates and charges discussed in this section shall be uniform for all users within any category established by the Council. The Council may establish a method for reduced payments based on income for any rate discussed in this Section.

## **SECTION 9. MAINTENANCE RESPONSIBILITIES**

Sec. 9.010 The property owner is responsible for and must maintain all plumbing leading to or connecting with the STEP Sewer System. The property owner is responsible for maintenance of the electrical panel providing electric current to the STEP Sewer System Electrical Service

Sec. 9.020 To reduce the overall cost of operation of the Wastewater System the City may establish, by resolution, Owner responsibility for maintenance of the STEP Sewer System serving Owner's real property.

Sec. 9.030 Notwithstanding any other provision of this ordinance or any resolution adopted pursuant to this ordinance, for the protection of the health and safety of the residents of the City of Coburg, the City of Coburg shall have the necessary power and authority to oversee the maintenance of, and assure the good working order of, all STEP Sewer Systems within the City of Coburg. The City may, at any time, and at the City's sole discretion, inspect the condition of any STEP Sewer System. If the City finds that an Owner's responsibility to maintain the STEP Sewer System has not been carried out in accordance with the City standards established pursuant to this Ordinance, the City may, after notice and an opportunity to correct the problem, enter onto the property to perform the required maintenance activities. Except where an emergency exists, or inaction will pose a threat to health, an Owner shall have 30 days to correct the problems listed in the notice. All the costs associated with the City's performance of maintenance responsibilities will be treated as a charge pursuant to Section 10.050.

Sec. 9.040 The Owner of property with a STEP Sewer System that is connected to the City Wastewater System must report, within 12 hours of the occurrence, any spill or overflow of sewage from the STEP Sewer System, or the occurrence of an event that is likely to cause or result in a spill or overflow, including the loss of electric power to the STEP Sewer System for a period of greater than 12 hours. The City of Coburg is not responsible or liable for any damage to any property caused by or occurring as a result of the Owner's failure to report, whether such failure was deliberate or accidental.

## **SECTION 10. PENALTIES**

Sec. 10.010 If any person shall construct a Building Sewer or any portion of the Wastewater System in violation of this ordinance, the Superintendent may issue an order to such

person to stop work in progress which is not then in compliance with this ordinance or the Superintendent may issue an order to correct work which has been performed. Such person shall forthwith take such action as may be necessary to comply with such order and with this ordinance, all at the expense of such person. Work which is not corrected within the time specified by the Superintendent is declared to be a nuisance subject to an immediate abatement action by the City.

Sec. 10.020 The Superintendent may order the Owner of any property from which discharges prohibited by Sections 5.010-5.100 are entering the Wastewater System to correct such condition. The Superintendent shall first give written notice of such prohibited discharge to the person, and only if such person fails to correct such condition within thirty (30) days after receipt of such notice, the Superintendent may enter upon such property and remove or close connections to the Wastewater System as hereinafter provided.

Sec. 10.030 Any person discharging any material deemed to be dangerous, injurious to treatment process, hazardous to any person, structure or treatment unit may be subject to immediate discontinuance of sewer service without prior notice at the discretion of the Superintendent.

Sec. 10.040 The discharging of prohibited materials is a nuisance and may be subjected to the enforcement procedures of the City's nuisance ordinance, in addition to, or as an alternative to, any enforcement procedures set forth in this ordinance.

Sec. 10.050 All charges and Service Rates levied in accordance with this ordinance shall be a debt due to the City. If this debt is not paid within thirty (30) days, it shall be deemed delinquent and may be recovered by civil action in the name of the City against the property Owner. All Service Rates, charges, costs and assessments shall be levied and imposed, upon all persons whose premises are hereafter served by the Wastewater System of the City and said charges shall be assessed against the property directly benefited by the sewer service. A record of unpaid debts for services shall be kept by the City and such a list shall be a portion of the City's lien records. The City may follow the same enforcement procedures set forth in the City's Water Ordinance to collect delinquent payments, including, but not limited to, discontinuation of water services. At any time after the passage of thirty (30) days after the debt is due, the City may elect to foreclose on the debt in the City lien records unless the Owner can provide proof that the debt has been paid in full.

Sec. 10.060 Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

Sec. 10.070 Any person found to be violating any provision of this ordinance shall be served by the City with written notice stating the nature of the violation and, except where the Superintendent determines that there is an immediate threat to public health or safety, or there is an immediate threat to the operation of the Wastewater Treatment Works in compliance with the NPDES permit, the notice of violation shall provide a reasonable time limit for the satisfactory correction thereof. The person receiving such notice shall, within the period of time stated in such notice, permanently cease all violations.

10.080 Any person who shall continue any violation beyond the time limit provided for in Section 10.020 or the time limit provided in the written notice required by this Section shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding one hundred dollars (\$100.00) for each violation. Each day in which any violation shall continue shall be deemed a separate offense. Any person who shall continue to fail to correct any delinquency identified by the Superintendent pursuant to Sections 10.010 or 10.020 within the time set for such corrective action shall be in violation of this ordinance and, in addition to any other remedies, may be subject to the enforcement of the City's civil penalty ordinance. The maximum civil penalty shall not exceed \$100 for each day's violation. Enforcement of this Ordinance shall be done in accordance with the City's Administrative Penalties provisions, including the appeal of the City's actions pursuant to this Ordinance.

10.090 Any person violating any of the provisions of this ordinance shall be liable to the City for any expense, loss or damage occasioned by the City by reason of such violation.

10.100 The City reserves the right to injunctive relief against violation of any of the provisions of this ordinance.

**EFFECTIVE DATE**

The Council having determined to submit an advisory question to the voters of Coburg asking whether the City should proceed with the currently proposed wastewater system, and such a vote being anticipated for March 9, 2010, this ordinance shall become effective at 12:01 pm March 10, 2010, after the City Recorder reviews preliminary vote totals and determines that the majority of votes cast on the advisory vote were in the affirmative.

The foregoing ordinance was, by City Council consent, after public notice, public hearing and Council deliberations, read in accordance with the City Charter, whereupon it was put to a vote, the results of which were:

YES: \_\_\_\_\_

NO: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

PASSED: \_\_\_\_

REJECTED: \_\_\_\_

SIGNED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2009

\_\_\_\_\_

Judith A Volta, Mayor

ATTEST:

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Sammy Egbert, City Recorder