

OAK LODGE SANITARY DISTRICT

SEWER CODE



**RULES AND REGULATIONS
GOVERNING
CONSTRUCTION, CONNECTION, AND USE
OF THE SANITARY SEWER SYSTEM**

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CHAPTER I

ADMINISTRATIVE PROVISIONS

1.010 Scope and Adoption Chapters 1 through 9 inclusive of this code as adopted by General Ordinance No. 45 and Chapter 10 as adopted by General Ordinance No. 52 of Oak Lodge Sanitary District of Clackamas County, Oregon, shall be known as the Oak Lodge Sanitary District Sewer Code. This code may be changed as provided in Section 1.070. The adoption of this code does not repeal the ordinances of this District previously adopted; however, this code shall take precedence and prevail over any ordinances previously adopted by the District that may conflict with this code.

1.020 Intention It is the intention of the Board to adopt a complete and workable code covering all phases of the sanitary sewer service provided by the District. The Board intends to adopt this code in this form so that it can be readily amended, added to, or portions deleted to meet changing conditions. Rules of construction found in ORS 174 shall be used in interpretation.

1.030 Short Title This code may be referred to in minutes, ordinances and other documents of the District as the sewer code or Sewer Code. Reference to specific sections may be made as follows: "Sewer Code section 1.030". References within the Sewer Code may be made as follows: "section 1.030".

1.040 Titles Not Part of Text Titles of chapters or sections of the sewer code are not a part of the text of the sections. Neither are any such titles on sections or chapters added by ordinances after General Ordinance No. 45 of Oak Lodge Sanitary District part of the text unless specifically stated in the amending ordinance. The titles are for indexing and locating convenience only.

1.050 Definitions Unless the context of a provision specifically indicates otherwise the terms used in this Ordinance shall have the following meanings:

"Approved Laboratory Procedure" means any method contained in 40 CFR Part 136 or otherwise approved by the United States Environmental Protection Agency for the determination of flow measurement or pollution concentrations of discharges to the public sanitary sewer system.

"Biochemical Oxygen Demand (B.O.D.)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20 degrees Celsius expressed in terms of weight and concentration (milligrams per liter - mg/L). Laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods for the Examination of Water and Wastewater".

"Board" means the Board of Directors for the District.

"Building Sewer" means that portion of the sanitary sewer line beginning at a point five feet outside the building and extending to the side sewer.

"Capital Improvement(s)" means facilities or assets used for the purpose of providing sanitary sewerage collection, transmission, treatment and/or disposal.

"Clean Water Act (CWA)" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

"Confidential Information" means information and data on a discharger including products used, industrial processes or methods of production which the discharger can demonstrate, to the satisfaction of the General Manager, constitute trade secrets. Effluent constituents and characteristics shall not be considered confidential information.

"Contractor" means a person duly licensed or approved by the State of Oregon and registered with Oak Lodge Sanitary District to perform the type of work to be done under a permit issued by the District.

"Day" means a continuous twenty-four-hour period from 12:01 a.m. to 12:00 midnight.

"Development" means the act of conducting a building operation, or making a physical change in the use or appearance of a structure or land, which increases the usage of any capital improvements or which creates the need for additional capital improvements.

"District" means Oak Lodge Sanitary District.

"Engineer" means a registered professional engineer licensed to practice in the State of Oregon.

"Federal Categorical Pretreatment Standards" means any regulation containing pollutant discharge limits promulgated by the United States Environmental Protection Agency in accordance with Section 307(b) and (c) of the Clean Water Act (U.S.C. 1347) which applies to a specific category of industrial discharger.

"Garbage" means solid waste from the preparation, cooking, and dispensing of food; the handling, storage and sale of produce; and from the packaging and canning of food.

"General Manager" means the chief executive officer of the District or any other person duly authorized to represent the General Manager on behalf of the District.

"Grease, Oil, or Fats" means any material which is extractable from an acidified sample of a waste by a designated solvent.

"Improvement Fee" means a fee for costs associated with capital improvements to be constructed after the date this ordinance becomes effective.

"Industrial Wastes" means any liquid, gaseous, or water born wastes or combination thereof resulting from any process of business, industry, manufacturing, trade, or recovery of any natural resources, except garbage.

"Interference" means any discharge which alone or in conjunction with discharges from other sources inhibits or disrupts the wastewater treatment system, its treatment processes or operations, or its sludge processes, use or disposal and/or causes a violation of the District's NPDES discharge permit requirements or prevents or constrains normal practices for use and disposal of sludge.

"Installer" means either the owner of the property being served or a licensed sewer contractor doing work under proper permit on the owners premises.

"Laterals, Trunks and Interceptors" are the main sewer lines through which sanitary sewage flows to the treatment plant.

"May" means permissive.

"Non-contact Cooling Water" means water discharged from any system of heat transfer, condensation, air conditioning, refrigeration, or other sources to which no pollutant is added other than heat.

"Non-domestic waste" means the same as "Industrial Waste".

"Non-irrigation Season" shall mean the period beginning November 1st and ending April 30th or the water meter reading cycle dates of the User's potable water service provider most nearly corresponding to the November 1st through April 30th time period.

"NPDES" means National Pollutant Discharge Elimination System permit issued by the United States Environmental Protection Agency or the State of Oregon, Department of Environmental Quality or both.

"Pass Through" means a discharge which exits the Publicly Owned Treatment Works (POTW) without benefit of treatment or with inadequate treatment.

"Permit" means any authorization required pursuant to this or any other regulation of the District for connection and/or discharge to the sanitary sewer system.

"Person" means any individual, firm, company, or corporation, partnership or association, entity, public corporation, political subdivision, city, county, district, the State of Oregon, the United States of America or any department or agency thereof.

"Pretreatment" means the application of physical, chemical, and/or biological processes to reduce the amount of pollutants, and/or alter the nature of the pollutant properties in wastewater prior to discharging such wastewater into the public sanitary sewer system.

"Public Right of Way" means any public highway, road, street, avenue, alleyway, public place, public easement or public right of way.

"Qualified Public Improvements" means a capital improvement that is:

- (a) required as a condition of residential development approval;
- (b) identified in the District's adopted Capital Improvement Plan pursuant to ORS 223;
- (c) not located on or contiguous to a parcel of land that is the subject of the development approval.

"Receiving Line" means a sewer line in public way or easement which receives sewage from a side sewer.

"Receiving Waters or Receiving Stream" means the natural water course or body of water to which the District's wastewater treatment plant discharges.

"Reimbursement Fee" means a cost associated with capital improvements constructed or under construction on the effective date of this Ordinance. (General Ordinance No. 61)

"Sanitary Sewer System" means all or any part of the facilities for collection, pumping, treating, and disposing of sewage as acquired, constructed or used by the District and in which storm, surface and ground waters are not intentionally admitted.

"Service Charge" means the periodic charges levied on all users of the District sewerage system for operation and maintenance of the system, as established by the District.

"Sewage" means the liquid and water born wastes derived from the ordinary living processes free from industrial wastes and of such character as to permit satisfactory disposal without special treatment into the District sewerage system.

"Sewage Treatment Plant" means an arrangement of devices, structures and equipment for treating sewage.

"Sewer Main Extension" means an extension or addition to the sanitary sewer system other than a side sewer.

"Shall" is mandatory.

"Side Sewer" means that portion of the sewer line between the private property line or the boundary of an easement and the receiving line.

"Slug Load" means the contribution of any pollutant released in a discharge of such volume or strength as to cause interference in the POTW.

"Suspended Solids" means solids that either float on the surface or are in suspension in liquids and which are removable by laboratory filtering in accordance with procedures set forth in "Standard Methods for the Examination of Water and Wastewater".

"Systems Development Charge" means a reimbursement fee, an improvement fee or a combination thereof assessed or collected at the time of connection to the sanitary sewer system. It shall also include that portion of a sanitary sewer connection charge that is greater than the amount necessary to reimburse the District for its average cost of inspecting and installing connections with the sanitary sewer system.

Systems Development Charge does not include

- (a) any fees assessed or collected as part of a local improvement district;
- (b) a charge in lieu of a local improvement district or assessment; or
- (c) the cost of complying with requirements or conditions imposed upon a land use decision.

"Unit" means a unit of measurement of sewer usage assumed to be equivalent to the usage of an average dwelling unit. Unit has the following definitions for the purposes listed below:

- (1) **Service Charge.** A unit is equivalent to sewerage of a strength and volume normally associated with an average single family dwelling or dwelling equivalent, by which all users of the sanitary sewerage system may be measured. Where unit equivalency must be computed it shall be equivalent to:
 - (a) 700 cubic feet of water consumption per month, or
 - (b) .45 pounds of BOD5 per day, or
 - (c) .60 pounds of suspended solids per day, or
 - (d) the actual cost of collection, transmission, treatment and disposal divided by the current monthly service charge; whichever is greater

- (2) **Systems Development Charge.** A unit is a single dwelling unit or its equivalent. Where unit equivalency must be computed it shall be equivalent to:
 - (a) 700 cubic feet of water consumption per month, or
 - (b) .45 pounds of BOD5 per day, or
 - (c) .60 pounds of suspended solids per day, or
 - (d) the actual cost of collection, transmission, treatment and disposal divided by the current monthly service charge; whichever is greater

1.060 Ownership of Sanitary Sewer System The District owns and operates the sanitary sewer system in behalf of the residents of the District. The District is a municipal corporation whose purpose is to regulate, control and supervise sanitary conditions within the District, and to furnish, maintain and operate certain sanitary facilities.

1.070 Amendments The sewer code may be amended, changed, repealed, or added thereto, as authorized by Oregon Revised Statutes.

1.075 Rules and Regulations The District may adopt rules and regulations to facilitate the implementation of the Sewer Code. Such rules and regulations shall be adopted in a legally called meeting of the governing Board of Directors by motion duly made, seconded and passed.

1.080 Severability The invalidity of any section, clause, sentence or provision of this sewer code shall not affect the validity of any other part of this code which can be given effect without such invalid part or parts.

CHAPTER 2

SEWER CONNECTIONS AND USE

2.010 Jurisdiction No person shall connect to any part of the sanitary sewer system without first making an application and securing a permit from the District for such connection, nor may any person materially increase the flow, the strength or the character of the sewage or add any outlets not covered by his original application without first obtaining an additional permit and paying such charges therefore as may be fixed by the Board, including such charges as inspection charges, connection charges and monthly service charges.

2.020 Permit Upon approval of the application and payment of all charges the District may issue a sewer connection permit for the premises covered in the application. The application and permit shall be on forms prescribed by the District.

2.030 Materials and Manner of Construction All building and side sewers and connections to the receiving line shall be so constructed as to conform with the requirements of the District and other governmental agencies.

2.040 Inspection Reasonable notice shall be given the General Manager to inspect all installations of building and side sewers and connection to the receiving line before their completion and while the installation and connections are still uncovered. All work is to be done according to specifications prescribed by the District and subject to the approval of the District. No backfilling of this excavation may be done until receipt of written approval by the District. In the event an excavation is backfilled without authorization from the District, the owner shall cause the pipe to be exposed for the required inspection. All costs incurred in excavating a line for inspection shall be borne by the owner.

2.050 Leakage Test The District shall require finished building and side sewers to be subjected to a leakage test to determine the water tightness of the line. Such test shall be made according to the directions of the inspector at the owner's expense.

2.060 General Discharge Prohibitions No person shall discharge or cause or permit to be discharged, directly or indirectly, into any public sewer or tributary sewer thereto any pollutant or wastewater which will interfere with the operation or performance of the wastewater treatment plant, worker safety, pass through into the receiving waters, or which will cause the effluent of that plant to violate any Federal, State or local standards, laws, or permits. Except as hereinafter provided, no person shall discharge or cause to be discharged, in any manner into the public sanitary sewer system any of the following described material, substances, or wastes:

- (1) Any gasoline, benzene, naphtha, fuel oil, alcohols, or other 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 collection, transport,

or treatment system or to the operation of the wastewater treatment plant. At no time shall two successive readings on any explosion hazard meter, at the point of discharge into the public sanitary sewer system, or at any point in the system, be more than five percent (5%) nor shall any single reading be more than ten percent (10%) of the Lower Explosive Limit (LEL) of the meter.

- (2) Any liquid or wastes having a pH lower than 6.0 or higher than 9.0 or having corrosive properties capable of causing damage to the wastewater collection, transport or treatment system or creating hazards to the personnel operating or maintaining the same.
- (3) Any solids or viscous substances capable of causing obstruction to the flow in sewers or other interference with the operation of the wastewater collection, transport or treatment system including but not limited to ashes, cinders, sand, earth, straw, shavings, metal, glass, cloth, feathers, tar, plastics, paint, wood, paunch manure, offal, manure, hair, fur, entrails, fleshings, wax, cement, whole blood, lime, lime slurry, lime residues, beer, or waste bulk solids.
- (4) Any garbage which has not been properly shredded or triturated.
- (5) Any liquid or waste containing more than 100 mg/l, by weight, of fat, oil and grease or containing any fat, oil, grease, or other substance that will become solid or visibly viscous at temperatures between 32 degrees and 140 degrees Fahrenheit.
- (6) Any liquid or vapor having a temperature in excess of 140 degrees Fahrenheit or which will inhibit the biological activity in the wastewater treatment plant resulting in interference or causing damage, but in no case wastewater with a temperature which exceeds 104 degrees Fahrenheit at its introduction into the treatment plant.
- (7) Any liquid or waste containing emulsified fat, oil, or grease exceeding 20 mg/l of Freon soluble matter.
- (8) Any noxious or malodorous gas which singularly, or in combination with other substances, might create a strong, unpleasant odor or air pollution by the release of toxic or malodorous gases or a nuisance or hazard to life or interfere with the operation, maintenance, repair or replacement of the wastewater collection, transport, or treatment system.
- (9) Any liquid or waste containing any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the United States Environmental Protection Agency under the provision of the Clean Water Act, CWA 307(a) or other Acts. Such pollutants include but are not limited to chromates, cyanides, heavy metals or toxic radioactive isotopes having a half life of more than one hundred (100) days, discharged at a flow rate, or in sufficient quantities and/or concentrations to constitute a hazard to humans or animals, or interfere with the operation, maintenance, repair or replacement of the collection,

transport or treatment system, or create any hazard in the receiving waters of the wastewater treatment plant.

- (10) Any liquids or wastes containing substances which are not amenable, or are only partially amenable, to treatment or reduction in concentrations by the wastewater treatment plant processes employed, or are amenable to treatment only to such a degree that the wastewater treatment plant effluent cannot meet the requirements of regulatory agencies having jurisdiction over discharge to the receiving waters.
- (11) Any material which contains or causes:
 - (a) Unusual concentrations of inert suspended solids such as, but not limited to, Fuller's earth, lime slurries and lime residues; or of dissolved solids such as, but not limited to, sodium chloride, and sodium sulfate.
 - (b) Excessive discoloration at the wastewater treatment plant or in the receiving waters such as, but not limited to, dye wastes and vegetable tanning solutions.
- (12) Any unusual volume of flow or concentrations of wastes constituting "slug loads" as defined herein.
- (13) Any liquid or waste which causes a hazard to human life or creates a public nuisance.

2.065 Exclusion of Unpolluted Waters No person shall discharge or provide a connection for discharging or draining into any public sanitary sewer or tributary sewer thereto any stormwater, surface water, groundwater, roof runoff, surface drainage, non-contact cooling water or other unpolluted water, nor the drainage of any swimming pool, catch basin, lake, swamp or pond.

2.070 Requirements of Special Removal Traps Garages, shops, restaurants, car washes, and other premises discharging wastes containing grease, oil, flammable materials, sand, earth and/or similar solids shall be equipped with one or more grease traps and/or sand traps satisfactory to remove such material prior to discharge into the sanitary sewer system. Such traps shall be maintained in a manner so as to prevent grease, oil, sludge, gravel, grit, sand, earth and similar materials from entering the sanitary sewer system and shall be subject to periodic inspection by the District.

2.080 Connection to the Sanitary Sewer System The owner of any building situated within the District and proximate to any street or sewer easement in which there is located a public sewer of the District, may request permission, at owner's expense, to connect said building directly with the proper public sewer in accordance with the provisions of this sewer code. Such request shall be made through proper application to connect to the sanitary sewer system.

2.090 (Deleted by Ordinance No. 61)

CHAPTER 3

INSTALLATION OF BUILDING AND SIDE SEWERS

3.010 Obtaining A Sewer Permit

- (1) Before any work is started for construction of a building and/or side sewer, either on private property or within public rights-of-way, application shall be made for a sewer permit and the installation made only after the permit is issued by the District.
- (2) Application for a permit shall be made personally by either the owner or installer.
- (3) A permit shall be required for each individual house, dwelling, building or other structure requiring sanitary sewage disposal.
- (4) A permit will be issued only after payment of such charges as may be fixed by the District.
- (5) No installer shall lay pipe on private property or on public rights-of-way not covered by his permit.
- (6) The permit must be posted at the job site and must be readily accessible to the inspector of the District.
- (7) The issuance of a permit by the District will not relieve the permit holder from the responsibility of obtaining such other permits or licenses as may be required by other governmental agencies.
- (8) If any work done under a permit granted by the District is not in accordance with the provisions of this code, and if the installer doing the work shall refuse to construct properly and complete such work, notice of such failure or refusal shall be given to the installer stating the nature of the violation and providing a reasonable time for corrections thereof. The installer shall, within the period of time stated in such notice, correct and complete the work. In the event the work is not so corrected and completed within the stated time, the District may cause said work to be completed if, in its opinion, the failure constitutes a hazard to safety or health, and the cost of such work and any materials necessary therefore shall be charged to the installer and shall be payable by the installer immediately upon notice and demand thereof given to the installer.
- (9) All work within the limits of any public right-of-way shall be prosecuted to completion with due diligence. If any excavation is left open beyond a time reasonably necessary to complete the same, the District may cause the excavation to

be backfilled and the public right-of-way restored. Any costs of such work shall be charged to the installer and shall be payable immediately to the District upon written notice and demand for the amount thereof given to the installer.

- (10) A permit shall be obtained from the Sanitary District before altering, relaying or adding to existing building sewers that have been previously connected to the sanitary system under District permit.

3.020 Registration of Sewer Contractor or Sub-Contractor

- (1) No person other than the owner of the property on which the sewer is being installed or a registered sewer contractor may excavate or dig up said premises or install building sewers within the District; no person other than a registered sewer contractor or the District may connect to a District line.
- (2) As a prerequisite in entering into contracts with the property owners in the District for excavation for an installation of building or side sewers connection with receiving lines and of soliciting such work, a contractor shall apply for and, with the approval of the District, be registered as a qualified sewer contractor.
- (3) The registered sewer contractor or subcontractor shall provide evidence of a surety bond through the State of Oregon Construction Contractors Board license conditioned that he will perform all sewer work in conformance with this code and the requirements of such other governmental agencies and that he will indemnify and save the District and other interested parties harmless against all expenses, damages, costs and claims arising out of his negligence or unskillfulness in performing such work.
- (4) Each sewer contractor shall pay an annual registration fee as determined by the District but in no case less than \$25.00.
- (5) Before issuing a registration to any sewer contractor, the District shall determine the sewer contractor's status with the State or Oregon Construction Contractors Board, and verify that insurance is in force in the appropriate amounts as determined by the District .
- (6) The District may refuse to issue a registration to a sewer contractor who fails to comply with this section or who the Board finds is not qualified to be an installer.
- (7) The registration of any sewer contractor may be revoked upon evidence of his failure to comply with any and all regulations of the District or other governmental agency or for fraud or abuse of property owners.
- (8) All sewer contractors shall have and keep in full force and effect property damage liability insurance as may be approved by the Board while performing any work in

the District. A certificate of such insurance shall be filed with the District naming the District as an additional insured.

3.030 Special Releases and Agreements

- (1) When two or more houses are to be connected on one building sewer, easements must be furnished. Said easements shall be approved as to form by the District and shall insure that all properties involved shall have perpetual use of the sewer and shall be signed by the owner of the property subject to the easement. The easement shall be recorded by the Clackamas County Clerk and shall be acknowledged and must be filed with the Secretary of the District before a permit will be issued.
- (2) Recording fees for easements and releases from easements shall be paid by the owner(s) of the property affected.

3.040 Location of Sewer Wyes or Side Sewers

- (1) Connection shall be made to the wye on the receiving line or side sewer designated at the time the permit was issued unless written permission to do otherwise is obtained from the District.
- (2) Excavation shall be made at the measurements given for the location of the wye or side sewer as shown on the "as-built" plans. The District does not guarantee the accuracy of the measurements.
- (3) If the sewer is not located at the measurement given, the installer shall prospect three feet in all directions from the distance and depth given. If not so located, the installer shall request the District to install a fitting on the main line for connection.

3.050 Minimum Requirements

- (1) All building sewers shall conform to the requirements of the most recent adopted edition of the Oregon State Plumbing Specialty Code.
- (2) All side sewers shall be laid on a grade of not less than 1/4 inch per foot.
- (3) A side sewer of no less than four inches in diameter shall be constructed for the connection of each residence or building. This sewer shall be connected directly to the District's main. Connection of more than one building to a building sewer will not be permitted except by express permission of the Board. This permission may be given only for such cases that no private sewer is available or can be constructed to the building through an adjoining court, yard or driveway.
- (4) If permission for connecting to a common sewer is given than a four inch diameter side sewer shall be used to serve up to two buildings or four single family dwelling

units of a multi-family dwelling. If three or more buildings are to be connected to a common sewer, no less than a six-inch diameter side sewer shall be used.

- (5) Where two or more buildings are to be served plans shall be submitted according to the regulations for sewer main extension Chapter 5.
- (6) A side sewer of no less than six inches in diameter shall be required for each commercial building, and for each multi-family complex exceeding three (3) Equivalent Dwelling Units.
- (7) Cover in all parts of public right-of-way shall be not less than five feet.
- (8) No roof, surface, foundation, footing or other ground water drain shall be connected to the sanitary sewer.

3.060 Connection to Cesspools and Septic Tanks

- (1) Direct connection from all plumbing fixtures in the house or building to the sanitary sewer system is required.
- (2) Any connections to a cesspool, septic tank or kitchen grease trap shall be removed and proper connection directly made to the building sewer.
- (3) Cesspools and septic tanks shall be abandoned in accordance with Clackamas County and Oregon Department of Environmental Quality requirements.

3.070 Restoration of Roadways It shall be the responsibility of the installer to cut the road surface, dig a trench, lay the pipe, make the connection to the wye, backfill the trench and restore the road way surfacing within the limits of any public thoroughfare or right-of-way. Such work shall be conducted in strict accordance with the rules and regulations of the State or Clackamas County. In the event that the State or County does not have specific rules or regulations regarding restoration of roadways, restoration shall be performed as prescribed elsewhere in this sewer code.

3.080 Materials Pipes acceptable for standard sewers shall have approved rubber ring joints and are as follows:

<u>Type of Pipe</u>	<u>Minimum Diameter</u>	<u>Pipe Specifications</u>	<u>Type of Joint</u>	<u>Joint Specifications</u>
Cast iron water pipe	4"	ANSI A 21.6 (Class 22)	Tyton joint	ANSI A 21.11
Cast iron soil pipe service weight bell & spigot	4"	ASTM A 74-72	Compression gasket	ASTM C-564-70

Cast iron soil pipe service weight hubless	4"	ASTM A 74-72	No hub connector	ASTM C-564-70
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Type of Pipe	Minimum Diameter	Pipe Specifications	Type of Joint	<u>Joint</u> Specifications
Concrete sewer pipe	6"	ASTM C-14-71	Rubber gasket	ASTM C-443-72
Poly (vinyl chloride) (PVC) pipe	4"	ASTM D 3034	Rubber gasket	ASTM D 1784
Poly (vinyl chloride) (PVC) pipe	6"	ASTM D 3034	Rubber gasket	ASTM D 1784

Abbreviations: ANSI - American National Standard Institute
ASTM - American Society for Testing and Materials

In construction of side sewers, four-inch concrete pipe may be used in no more than three and one-half (3 1/2)-foot lengths provided it has passed a certified air test.

Where materials existing at the time of connection to the sanitary sewer do not meet the above specifications, they shall be removed and replaced by acceptable materials at the installer's expense.

3.090 Fittings All changes in direction shall be made in accordance with the requirements of the latest adopted edition of the Oregon State Plumbing Specialty Code. When reducing pipe size with a bore donut "O" ring, pipe stub shall be no greater than twelve feet in length and quick set cement shall be packed around the smaller pipe back of the "O" ring.

3.100 Bedding All sewer pipes except PVC shall be bedded on four inches of 3/4-0 inch crushed rock; sewer pipes constructed of PVC shall be bedded with six inches of 3/4-0 crushed rock on all sides.

3.110 Connection to Receiving Line The installer shall excavate to and completely expose the public sewer at the designated point of connection. The District shall tap the sewer and install the service connection fitting at the owner's expense. In the event that the installer fails to comply with all state and federal safety codes applicable to the work, the District shall not be required to make the tap or to perform any inspection.

3.120 Testing

- (1) Sewers shall be tested before backfilling by plugging the end of the building sewer at its point of connection with the side sewer and completely filling the building sewer with water from the lowest to the highest point thereof, or by approved equivalent low pressure air test. The installer shall make this test in the presence of the inspector so that the inspector can observe and approve the installation in one visit. A tee shall be provided in the sewer at the property line for insertion of the plug and shall be tightly capped and secured against leakage upon completion of the test.
- (2) No charge above that required for the permit shall be made for inspection and testing of the pipe where the installer has laid the building and/or side sewer in accordance with the ordinances, rules and regulations of the District, complied with the Oregon State Plumbing Specialty Code and such installation meets with the approval of the District's inspector on initial inspection and testing of the pipe.
- (3) Additional charges shall be made and paid by the installer of a building and/or side sewer for inspection and/or testing thereof, as follows:
 - (a) In an amount not less than \$20.00 where the pipe is laid and back-filled and/or connection of the building and/or sidesewer made to the sanitary sewer system of the District without prior inspection and approval thereof by an inspector of the District.
 - (b) In an amount not less than \$20.00 for each reinspection and/or retesting of the pipe to be made because of the failure of the installer to comply with the ordinances, rules and regulations of the District and the Oregon State Plumbing Specialty Code and/or failure of the pipe to meet the minimum leakage requirements set by the District upon testing thereof.
 - (c) Should the owner wish an inspection outside of the regular working hours of the District, he must apply at the District office twenty-four hours in advance and make a deposit of not less than \$50.00. A minimum of two hours time shall be charged for each day that the inspector is requested.
 - (d) A charge to be determined by the Board but in no case less than \$20.00 for testing of existing lines that have been repaired or relocated or altered in any manner.
- (4) Approval of the test by the inspector shall be granted only after the building sewer is proven water tight at all points when tested in accordance with the requirements of Section 3.120 (1) and/or the Oregon State Plumbing Specialty Code.

3.130 Safety Equipment The installer before beginning excavation in a public area shall have at the sight sufficient barricades to properly protect the work. The barricades shall be

illuminated during the nighttime hours with a minimum of four flares or flashing signals. During the pipe laying operation, all water shall be removed from the trench. The installer shall have stockpiled, within the District and immediately available for use, sufficient shoring to adequately protect workmen where unstable ground conditions are encountered. In addition to the foregoing provisions, the installer shall comply with all laws, ordinances and regulations of the State or County relating to the safety and protection of the area affected.

3.140 Sewer and Water Line Separation In situations where sewer and water lines cross, the bottom of the water line shall be at least 18 inches above the sewer line with one full length of pipe centered at the crossing. Parallel water and sewer lines are allowed if a minimum 10 feet separation is maintained. In situations where the parallel separation is less than 10 feet or where the above standards cannot be met, the requirements in OAR 333-061-050 (9) shall apply.

3.150 River Front Conditions Side sewers on river front lines shall be either cast iron or ductile iron pipe from the river front connection to a point two feet above the high water line of the flood of 1964. All joints shall be flexible rubber gasket. Installation shall be in accordance with instructions furnished by the pipe or joint gasket manufacturer and as approved by the District. Between the point two feet above the high water line and the building connection the installation may be standard as specified herein for normal conditions.

3.160 Minimum Elevation In any buildings, structures or premises in which the drain is too low to permit gravity flow to the sewer and/or achieve minimum slope, as specified in Section 3.050 (1) & (2), the sewage shall be lifted by artificial means to a level which will permit gravity flow to the public sewer. Whenever conditions warrant, approved backwater valves shall be installed in accordance with the specifications of the Oregon State Plumbing Specialty Code.

3.170 Roadway Restoration Where Not Prescribed by State or County The following specifications are to be used where no method is prescribed by the State or County having jurisdiction over the road:

- (1) The installer shall confine the width of the top of the trench between the property line and the receiving line to a maximum of two feet six inches. A pavement cutter shall be used wherever paving is to be cut. Where concrete pavement must be cut for the installation of side sewer, the installer shall tunnel in sections so as to allow practically normal movement of traffic. Maximum open cut sections shall be two feet six inches wide by seven feet long.
- (2) Surface Restoration:
 - (a) Gravel Road On the gravel roads the compacted backfill shall be brought up to within six inches of the finished surface. A layer of one and one-half inch minus crushed stone shall then be applied to a compacted depth of four inches. A layer of three-quarter inch minus stone shall then be applied to a compacted depth of two inches to bring the surface to finish grade.

- (b) Light bituminous treated and asphaltic concrete roads The compacted backfill shall be brought up within six inches of the finished surface. A layer of one and one-half inch minus crushed stone shall then be applied to a compacted depth of four inches. Edges of the existing pavement shall be thoroughly cleaned and then primed with emulsified asphalt. Plant mix asphalt shall then be applied to a compacted depth of two inches to bring the surface to a finished grade.
- (c) Concrete pavement The compacted backfill shall be brought up to within four inches below the bottom surface of the concrete slab. A layer of one and one-half inch minus crushed stone shall be then applied to a compacted depth of four inches. Edges of the existing pavement shall be thoroughly wetted and brushed with neat cement grout prior to pouring the concrete patch. The concrete shall be finished to match the existing pavement and shall be kept moistened with damp burlap or shall be sprayed with an approved curing compound. The concrete patch shall be protected from traffic loads until it has obtained a sufficient strength to withstand such loads.

3.180 Cleanup The installer shall remove all debris and excess excavation and shall repair all damage, public or private, in kind. Installers shall comply with District erosion control standards.

CHAPTER 4

INDUSTRIAL WASTE

4.010 Approval Required The admission into the District wastewater collection, transport and treatment system of any non-domestic (industrial or commercial) wastes shall be subject to the review and approval of the District through its General Manager. The District reserves the right to reject the application for service, or to require certain pretreatment of such waste and require the owner to pay such charges as may be fixed by the District for such waste disposal. No construction of such facilities shall be commenced until said approvals are received.

Whenever any non-domestic waste is produced and discharged into the sanitary sewer system, or whenever such production and discharging is contemplated, which in the opinion of the General Manager may cause interference with the operation, maintenance, repair or replacement of the wastewater collection, transport, or treatment system, contaminate the sludge resulting from the treatment process, pose a potential threat to District personnel responsible for the operation, maintenance, repair and replacement of the system, adversely affect the treatment of sewage and other compatible wastewaters, or may not yield readily to treatment and pass through the treatment plant resulting in contamination of the receiving stream, such discharges to the sanitary sewer system or its tributaries shall be prohibited without a Wastewater Discharge Permit.

4.020 Permit Application Any person desiring to discharge or discharging non-domestic waste into the District wastewater collection, transport and treatment system shall prepare and file with the District an Application for Wastewater Discharge Permit on a form provided by the District.

- (1) **Existing Connections** Any person who discharges or has discharged non-domestic waste into the sanitary sewer system prior to the effective date of this Ordinance shall, at the request of the District and within one hundred twenty days (120) after said date, apply to the District for a Wastewater Discharge Permit and shall not cause or permit to be caused the continued discharge of wastewater after one hundred eighty (180) days from and after the effective date of this Ordinance without said permit unless so exempted therefrom.
- (2) **New Connections** No person intending to discharge non-domestic waste shall make a connection to the sanitary sewer system without first applying to the District and receiving from the District a Wastewater Discharge Permit or written notice of exemption therefrom. This permit shall be in addition to all other required permits.

4.030 Monitoring Facilities Any person discharging non-domestic waste into the District sewerage system shall, when directed by the General Manager, construct and maintain an approved control manhole, together with such flow measurement, flow sampling and sample storage facilities as may be required by the District. The facilities required shall be such as are reasonably necessary to provide adequate information to the District to enable it to determine the proper service charge.

The District may, at any time, enter upon the premises of any discharger of non-domestic waste to ascertain compliance with this and all other District Ordinances, rules and regulations, and all permit requirements, and any other Federal, State or local requirements which may be in force at the time of inspection. The General Manager may enter any premises in the District and have unimpeded access to all parts of the premises including processes resulting in discharge to the public sanitary sewer system, discharge points, discharge holding or pretreatment facilities, chemical storage, discharge records area or any other area impacting or potentially impacting discharges to the sanitary sewer system. Said entry is for the purposes of inspection, sampling, examination and copying of records or any other purpose related to the assurance of compliance with this Ordinance and other applicable rules, regulations, laws or ordinances of Federal, State and local authorities having jurisdiction. The District shall have the right to set up or install on the discharger's property, or require the discharger to set up or install, such devices as are necessary to conduct sampling, flow metering, and compliance monitoring.

Where a discharger has security measures in force which would require proper identification and clearance before entry into all or a portion of his premises, the discharger shall make necessary arrangements with his security guards or other security measures so that upon presentation of suitable identification, the General Manager shall be permitted to enter without delay for the purposes of performing his specific responsibilities. If the Discharger, or owner or other occupant of the premises refuses to allow entry, and the General Manager determines that access is necessary to fulfill the District's duties, obligations, and/or legal requirements in enforcing this Ordinance or other applicable laws, rules, regulations or other requirements of Federal, State or local authorities having jurisdiction the District may apply to the Court having jurisdiction for an Inspection Warrant in accordance with Oregon Revised Statutes. The denial of such access is in and of itself a violation of this Ordinance.

4.040 Sampling All measurements, tests, and analyses performed under this Ordinance or a Wastewater Discharge Permit as required to determine the characteristics of the wastes discharged to the public sanitary sewer system shall be made in accordance with the procedures set forth in 40 CFR Part 136 of the United States Environmental Protection Agency's regulations.

4.050 Records Any person required to maintain measurement, sampling, and sample storage facilities shall keep flow records as required by the District and shall provide qualified personnel to properly maintain and operate the facilities. All such records shall be freely accessible to the District for inspection, verification, and/or reproduction.

4.060 Permit Upon approval of the application and payment of all charges the District may issue a Wastewater Discharge Permit for the premises and operations covered in the application. The issuance or granting of a Wastewater Discharge Permit shall not be construed to exempt or authorize any violation of any provision of this Ordinance or other duly adopted rule, regulation or standard of the District, or any applicable Federal, State or local law. Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, user charges, and fees established by the District. Permits may include, but not be limited to, effluent limits, management practices, monitoring and reporting requirements, and any or all other conditions necessary to implement this Ordinance and any other applicable law.

- (1) Notification of Change It is the responsibility of any permittee who anticipates a significant change in his discharge flow, discharge characteristics, industrial process, pretreatment facilities, or chemical storage or handling procedures to notify the District prior to implementing such change. In the event that the change is unanticipated and prior notice is not possible, the permittee shall immediately, by telephone, notify the District and shall confirm such notification, with all pertinent details, in writing within five (5) days of said telephone notification date.
- (2) Permit Revocation If, at any time, there is a change in discharge characteristics, violations of the terms and conditions of a Wastewater Discharge Permit, or other good cause whatsoever that results in a conflict with the intent of this ordinance then the General Manager may revoke the permit or may require permit modification as is necessary to resolve the conflict. Non-domestic waste discharge shall immediately cease at the time of revocation and shall not resume until such time as a new or revised permit is issued and the terms and conditions therein satisfied.
- (3) Permit Modification Waste Discharge Permits may be modified at any time when such modification is necessary to fulfill the intent of this Ordinance or upon promulgation of new or modification of existing applicable Federal Categorical Pretreatment Standards. The time frame for compliance with modified permits shall be based upon need or as prescribed by the applicable new or modified standard.
- (4) Permit Duration Wastewater Discharge Permits shall be valid for the time period specified but in no case shall that time period exceed a period of five (5) years. Applications for renewal shall be made not longer than ninety (90) nor not less than sixty (60) days prior to the expiration of an existing permit. The terms and conditions of a permit are subject to modification by the District as applicable water quality standards, Federal, State or local standards, treatment plant discharge conditions, receiving stream requirements, or other applicable laws or regulations are changed, altered, or adopted, or for other good cause. Permittees shall be notified by the District of any proposed changes in their permit at least thirty (30) days prior to the effective date of such change. Any change or new condition in a permit shall include a provision for allowance of a reasonable time for compliance when the change requires the permittee to construct, alter or install new or additional technology.
- (5) Transfer of Permit Wastewater Discharge Permits are user, site and operation specific and as such are non-transferable. Temporary application of existing terms and conditions may be granted to a new owner or operator by the District when there is no change in the operation which alters the quantity or character of the waste. Such temporary authority for non-domestic waste discharge is provided only to allow sufficient time for the new owner or operator to make proper application for a Waste Discharge Permit and shall in no case exceed sixty (60) days.

- (6) **Certification of Information** All plans, records, reports, applications, and other information collected, filed, or submitted to the District pertaining to non-domestic waste, Waste Discharge Permits and applications therefore, and compliance monitoring shall contain a statement certifying that such information is true, complete and accurate and shall be signed by an officer or agent of the non-domestic waste discharger (company) authorized to legally represent the discharger in such matters. Any person who knowingly makes any false statements, representation, record, report, plan or other documentation filed with the District or who tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, or other applicable Federal, State or local regulation shall be in violation of this Ordinance, and shall be subject to the penalties provided by this or any other applicable District Ordinance and any other civil or criminal procedure as may be provided by law.

4.070 Compliance Schedules If additional operation and maintenance and/or pretreatment of non-domestic waste is required for a non-domestic wastewater discharger to comply with applicable Federal Categorical Pretreatment Standards, State limitations, or local limitations as set forth herein, the General Manager shall issue a schedule by which the user shall provide such operation and maintenance and/or pretreatment. In no case shall this compliance schedule supersede the compliance date(s) established by the applicable Federal standards, nor shall it waive the District's right to take timely enforcement action for non-compliance with a Federal standard.

4.080 Reporting Requirements All non-domestic dischargers subject to Federal Categorical Pretreatment Standards shall be required to submit to the District, in a manner prescribed by the District, all reports required by 40 CFR 403.12 including baseline monitoring, compliance schedule progress, final compliance, periodic reports on continued compliance and any other reports deemed appropriate by the District to assure compliance with the objectives of the non-domestic waste discharger program. The General Manager may also require other non-domestic dischargers not subject to Federal Categorical Pretreatment Standards to submit any and all of the above reports.

All non-domestic waste dischargers conducting self-monitoring pursuant to this Ordinance or a Waste Discharge Permit, including any additional or voluntary monitoring, shall retain records of the date and place of such monitoring, the collection and analytical methods used, the analytical results, and the personnel involved in the activities, for a period of not less than three (3) years.

4.085 TTO Reporting Requirements Those industries which are required by EPA to eliminate and/or reduce the levels of total toxic organics (TTO) discharged into the sewerage system must follow the Federal Effluent Guidelines for that industry. Those industries must also meet the following requirements of the District.

- (1) **No TTO use at this facility** If no TTO's listed from the appropriate Categorical Pretreatment Standard are used at the facility, a signed statement to this effect from the industrial user may be submitted to the District.
- (2) **TTO's are used at this facility** The industrial user may request an in-lieu-of monitoring certification statement as worded in the appropriate regulation (40 CFR

413.03). If this alternative is requested, the user must comply with the following requirements:

- (A) At least one representative sample of the facilities wastestream shall be taken. The sample shall be analyzed for only those pollutants listed in the appropriate regulation that would reasonably be expected to be present.
- (B) The user shall also submit a solvent management plan that specifies to the District's satisfaction the following:
 - 1. The toxic organic compounds used;
 - 2. Method of disposal used instead of dumping; such as reclamation, contract hauling or incineration; and
 - 3. Procedures for assuring that toxic compounds do not routinely spill or leak into the wastestream.
- (C) The certification statement shall be submitted with each report to the District."

4.090 Specific Pollutant Limitations No person shall discharge wastewater containing the listed pollutants in excess of the following quantities:

Pollutant	Concentration, mg/l	
	Daily Maximum	Monthly Average Shall Not Exceed
Cadmium	0.50	0.25
Chromium, Total	2.77	1.71
Copper	3.14	1.92
Cyanide	0.42	0.23
Lead	0.69	0.43
Nickel	3.98	2.38
Silver	0.43	0.24
Zinc	2.61	1.48
Total Toxic Organics	2.13	---

Additional pollutants or more restrictive maximum quantities may be required if the material discharged might cause interference with the operation of the wastewater treatment plant or violation of Federal, State, or local limits, standards or laws."

4.100 Federal Categorical Pretreatment Standards Existing, revised, or new Federal Categorical Pretreatment Standards, if more stringent than limitations otherwise imposed under this Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance. The General Manager shall immediately notify all affected users of new or revised applicable standards under 40 CFR Subchapter N, and reporting requirements under 40 CFR 403.12 or any other pertinent rules, regulations, standards or laws.

4.110 State Requirements State requirements and limitations on discharges shall apply where they are more stringent than Federal requirements and limitations or those of this Ordinance or other adopted rules, regulations, or standards.

4.120 Excessive Discharge No discharger shall ever increase the use of flow augmentation or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations imposed by this Ordinance, or in applicable Federal Categorical Pretreatment Standards, or in any other pollutant specific standard developed by this District, or the State, or any other regulatory authority having jurisdiction.

4.130 Accidental Discharge Non-domestic dischargers shall notify the District immediately upon accidentally discharging wastes in violation of this Ordinance. This notification shall be followed, within ten (10) days of the date of occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrences. Such notification will not relieve dischargers of liability for any expense, loss, or damage to the wastewater collection, transport or treatment system, or for any fines imposed on the District under applicable Federal, State, or other regulations. A notice shall be furnished and permanently posted on the discharger's premises, available to all employees, advising employees whom to call in case of an accidental discharge in violation of this Ordinance. Non-domestic dischargers shall also make available a copy or copies of this Ordinance to all employees having responsibility for compliance with this Ordinance or any subsequently adopted rule, regulation or standard.

4.140 Public Notification of Violators The District shall publish in a daily newspaper with the largest circulation in the metropolitan area in which the District is located, not less than annually, a list of those non-residential users which during the previous twelve months were significantly violating applicable Pretreatment standards or other Pretreatment requirements. For the purposes of this provision a significant violation is a violation that remains uncorrected 45 days after notification of noncompliance; which is part of a pattern of non-compliance over a twelve month period; which involves a failure to accurately report noncompliance; or which resulted in the District exercising its emergency authority under 40 CFR 403.8 (f)(1)(iv)(B).

4.150 Confidential Information Information and data on a non-domestic discharge obtained from reports, questionnaires, permit applications, permits, and monitoring programs shall be available to the public and other governmental agencies without restriction unless the discharger specifically requests and is able to demonstrate to the satisfaction of the General Manager that the release of such information would divulge information, processes or production methods entitled to protection as trade secrets under federal laws, or ORS 92.500(1)(b), or proprietary information of the discharger, or would threaten national security. Requests for confidentiality shall be made in writing to the General Manager and shall include the process(es) to which confidentiality should apply and the reasons therefore. Such requests shall be similar in form and content to that described in 40 CFR 403.14 and/or any other applicable regulation.

When requested, information previously approved as confidential shall not be made available to the public but shall be made available, upon written request, to governmental agencies for uses related to this or any applicable Ordinance of the District, the Clean Water Act, Federal, State or local regulations. However, any portions previously designated as confidential may be available for use by the District, the State or any other agency having jurisdictional authority in judicial review or

enforcement proceedings involving the discharger. Under no circumstances will effluent data as defined in 40 CFR 2.302 be regarded as confidential information.

Nothing in the above paragraphs shall prevent the disclosure of any information submitted by a discharger when the public interest in that case requires disclosure.

No information accepted by the District as confidential shall be transmitted unless and until notice is given to the discharger who supplied it.

CHAPTER 5

SEWER MAIN EXTENSIONS

5.010 Construction of Sewer Main Extensions Whenever any property within the District requires sanitary facilities and such property cannot be served by the existing District sewerage system, any interested person may cause sewers to be constructed to serve the property in accordance with the provisions of this section. Upon completion of the construction in accordance with the provisions of this section, the District will accept title thereto and thereafter such sewer extension shall form a part of the District sewerage system and shall be owned, operated and maintained by the District as part thereof.

5.020 Permit Before any work is started on construction of a sewer main extension to the sanitary sewer system, a permit must be obtained from the District. The permit shall be applied for in the following manner:

- (1) Application shall be made on a form prescribed by the District. Owners wishing a main extension must file signed application and letter of intent to proceed.
- (2) The application shall be accompanied by a plat showing the sizes and location of lots, existing and proposed buildings, legal description of the property to be served, and existing and proposed streets and roads.

5.030 Engineering and Cost Deposit The applicant shall deposit with the District with his application for a sewer main extension, a sum of not less than \$100.00, but not less than the amount determined by the General Manager, to cover engineering and other costs in connection with the extension, including the preliminary survey of feasibility, cost estimates and inspection and the recording of the as-built information in the records of the District. In the event that all such costs exceed the amount of the deposit, then the applicant shall pay such excess cost to the District prior to final acceptance and approval and the placing of the extension into operation. Balance of unused deposit funds will be refunded upon acceptance of the sewer main extension by the District.

5.035 Public Improvements Contracts and Bonds The District may require the owner or developer to enter into a public improvements contract and supply a performance bond to guarantee the construction of public facilities or those facilities intended to serve the public. Such contract and bond shall be in a form prescribed by General Manager.

5.040 Issuance of Permit When preliminary plans and cost estimates are mutually acceptable to the applicant and the District, a construction permit will be issued.

5.050 Easements Before commencement of construction, the applicant shall provide the District with properly executed easements on a form approved by the District, providing to the District a perpetual right to maintain any portion of the proposed sewer main extension where the same crosses private property. If the applicant is unable to obtain all easements necessary, the Board in its discretion, may exercise the District's power of eminent domain to obtain such

easements. Before commencing a proceeding to acquire an easement by eminent domain, the applicant shall post a bond or deposit with the District guaranteeing that the District will be reimbursed for the cost of acquisition of the easement and all legal and engineering costs in connection with such acquisition of easement.

5.060 Implementation of Construction

- (1) Except as provided, the extension of the public sewerage facilities to serve any parcel or tract of land shall be done by and at the expense of the owner, although the District reserves the right to perform the work and bill the owner for the cost thereof, to perform the work itself, or to perform the work pursuant to special assessment proceedings. The size of all sewer mains and other sewerage facilities shall be as required by the District.
- (2) Construction shall conform to "Specifications for Construction of Sanitary Sewers" as written for Oak Lodge Sanitary District, Clackamas County, Oregon, and the revisions thereof, and the requirements stated elsewhere in the Sewer Code. The pipe shall be proved by test to meet the requirements stated in the above specifications and in this code under section 3.120 (4) except that if a water test is used the head shall be no less than four feet.
- (3) The District may, in its discretion, pay that portion of the costs of extending its trunk sewer system or constructing sewage pumping or treatment facilities equal to the difference in cost between the size of facility required by installer's development and the size of facility that the District requires under its long range needs.

5.070 Materials and Methods of Construction Each sewer main extension shall be installed in accordance with the requirements of the sewer code and the plans and specifications prepared by the engineers for the District. The installing contractor for the sewer main extension shall be experienced in the construction of sewers and be approved by and registered with the District. The District, through its engineers and inspectors shall inspect the construction and the engineers and inspectors shall have complete authority over the persons doing the construction work in so far as enforcement of the sewer code and plans and specifications are concerned. The General Manager of the District shall have authority to stop the work whenever such stoppage may be necessary to insure the proper execution of the proposed sewer main extension in accordance with the sewer code and the approved plans and specifications.

5.080 Ownership and Guarantee Upon completion of the improvement and the approval and acceptance thereof by the District the applicant shall execute and deliver to the District a bill of sale or other document in form approved by the District transferring all right and title to the sewer main extension to the District. At the same time, the applicant shall provide a sufficient bond or deposit guaranteeing the sewer main extension against any defects of labor and material for a period of one year from the date of acceptance by the District. Upon acceptance by the District of the sewer main extension and the security for the one year guarantee of the sewer main extension, the extension shall be incorporated in the District's system and be a part thereof and shall be maintained by the District, subject to the guarantee requirement for the first year.

5.090 As-Built Information The owner or developer shall provide to the District as-built information for the District's records on all sewer main extensions stamped and signed by a registered professional engineer licensed by the State of Oregon.

CHAPTER 6

CHARGES AND RATES

6.010 Charges and Rates for Sewage Charges shall be made for the discharge or availability for discharge of sewage into the sanitary sewer system at a base rate fixed charge of \$12.65 per calendar month per unit, or equivalent thereof, plus a consumption based variable charge computed on water consumption as measured during the non-irrigation season of \$1.34 per one hundred (100) cubic feet of water per calendar month per unit or equivalent thereof, in accordance with Table 6.010 as contained herein. The measured water consumption for the previous non-irrigation period shall form the basis for calculating the monthly sanitary sewer bill for each account for the succeeding twelve (12) month period beginning on July 1. Said calculation shall be performed annually to determine sanitary sewer service charge rates for each account. In the event of changes in usage or ownership, disputes in consumption amounts, new additions to the system for which water consumption history is unavailable, and other conditions which may influence rates and charges, rules adopted by Oak Lodge Sanitary District upon a motion, duly made, seconded, and passed by a majority of the governing body shall govern.

6.015 Low Income Rate Relief Charges for sanitary sewer service may be reduced for customers who qualify under the District's low income rate relief policy. The sewer service charge fee reduction shall be equivalent to one-half of the established base rate and one-half of the established variable charge. Rate reductions for qualified applicants shall begin on the first full month following approval of the application and will remain in effect for a period of one year or until the applicant no longer qualifies, whichever comes first. No rate relief will be provided for partial months irrespective of eligibility. Applicants for low income rate relief must meet eligibility requirements established by the District and make application on forms approved by the District.

6.020 Commencement of Charges Property owners shall commence paying service charges as specified in Section 6.010 for the month in which connection to the sanitary sewerage system receives final approval from the District or becomes usable for the intended purpose, whichever comes first. Charges may be pro-rated as follows:

- (1) For single unit accounts the service charges may be pro-rated to the nearest one-half month in which the connection is approved.
- (2) For multiple unit accounts the service charges may be pro-rated to the nearest week in which the connection is approved.

6.030 Payment of Charges Every property owner on whose property charges have commenced under Section 6.010 shall pay the rates specified in Section 6.010 within 15 days after mailing of bills. If the charges are not paid within 15 days they are delinquent. Delinquent charges bear interest at the rate of one per cent per month or fraction thereof.

6.040 Property Owner Responsible Every owner of property within the District is responsible for payment of all charges under this chapter. The District will not recognize any

attempt to transfer such responsibility although the District will, on request, bill occupants other than the property owner as a courtesy. If the property owner does not provide the District with an address for mailing of bills, the District may use the mailing address for tax statements shown on the records of the County Assessor and/or County Tax Collector.

6.050 (Deleted by Ordinance No.52)

6.060 Charges for Connection Each person making an application for connection under Section 2.010 shall pay, at the time of filing an application, a Systems Development Charge consisting of a reimbursement fee and an improvement fee for each unit as defined in Section 6.010. The systems development charge imposed is separate from and in addition to any applicable tax, assessment, charge, fee in lieu of assessment, or fee otherwise provided by law or imposed as a condition of development. The systems development charge is to be considered in the nature of a charge for service to be rendered or a service hookup charge and shall be established by the Board of Directors through a duly adopted resolution.

6.065 Charges for Inspection Each person making an application for connection under Section 2.010 shall pay, at the time of filing an application, an Inspection Charge equal to the average costs incurred by the District in providing sewer system construction inspection and testing for the type of service for which the application has been submitted and the permit to connect been granted. Where average costs cannot be reasonably calculated, the applicant shall pay an estimated inspection charge which may be adjusted as follows:

- (1) If the actual inspection costs exceed the estimated costs, an additional charge equal to the costs in excess of those estimated shall be levied. The charge shall be immediately due and payable.
- (2) If the actual inspection costs are less than the estimated inspection costs, the balance of the inspection charges in excess of actual costs shall be refunded.

6.070 Sewer Tap-in Charge Whenever any property requiring sanitary facilities connect to the District sewerage system and there has not been provided a service connection to serve such property the owner, at the time of connection, shall pay a tap-in charge. The charge shall be equal to the costs incurred at the District in providing the sewer tap-in but shall not be less than \$75.00 for a four-inch tap-in or \$100.00 for a six-inch tap-in.

6.080 Charges for Unlawful Connection Any connection made to the sanitary sewer system without first making application, securing a permit and paying charges due the District therefore shall be unlawful, and a charge of 20 per cent additionally to such charges due shall be paid the District by the owner of the premises served by such unlawful connection.

6.090 Charges for Reconnection Whenever any existing structure connected to the sanitary sewer system is intentionally removed for the purpose of replacement with a new structure of similar service type an inspection charge and any other applicable charges shall apply to reconnection.

6.100 Changing Class of Service Whenever a parcel of property shall have become connected to the District's sewerage system and shall there after undergo a change of use so that a different number of dwelling units would be assigned to the property if connection were made after the change the following shall occur:

- (1) If the change results in the assignment of a greater number of units pursuant to Section 6.010, an additional systems development charge shall be levied at the time of such change. The additional charge shall be equal to the net increase of units times the current systems development charge per unit.
- (2) If the change results in the assignment of a lesser number of units pursuant to Section 6.010, there shall be no additional charge or rebate. However, the full number of units originally assigned shall be used as a basis for determining any future systems development charges in the event of a further change of use resulting in assignment of additional units.

6.110 Charges for Returned Financial Instruments Whenever any person attempts to pay any charges, fees, assessments or other debt due the District with any check, draft, warrant or other instrument drawn on a financial institution and for which sufficient funds are not available to cover said instrument a charge of twenty-five dollars (\$25.00) shall be levied for each such returned instrument. Each charge levied under this section shall be a debt due the District and shall be governed and recoverable in the same manner as any other service charge. All charges levied under this section shall be in addition to any other charges lawfully levied by the District.

TABLE 6.010

	TYPE OF SERVICE	SYSTEM DEVELOPMENT CHARGE EQUIVALENCY	MONTHLY SEWER SERVICE CHARGE EQUIVALENCY
1.	Single Family Dwelling	1 unit	1 unit
2.	Multi Family Dwelling	1 unit per dwelling unit	1 unit per dwelling unit
3.	Mobile Home Parks	1 unit per space	1 unit per space
4.	Group Homes, Adult Care & Residential Care Facilities	1 unit per every 3 person capacity or fraction thereof	1 unit per every 3 person capacity of fraction thereof
5.	Day Care Facilities	1 unit per 10 person capacity or fraction thereof	1 unit per every 10 person capacity or fraction thereof
6.	Motels	1 unit per motel unit	1 unit per motel unit
7.	Elementary Schools	1 unit per 32.5 students or fraction thereof	1 unit per 32.5 students or fraction thereof
8.	High Schools and Junior High Schools	1 unit per 12.5 students or fraction thereof	1 unit per 12.5 students or fraction thereof
9.	Hospitals	1 unit per 2.5 beds	1 unit per 2.5 beds
10.	Churches	1 unit	1 unit
11.	Offices	1 unit per 1500 square feet or fraction thereof	1 unit per 10 employees or fraction thereof
12.	Service Stations	2 units	2 units
13.	Garages	1 unit	1 unit
14.	Restaurants, Taverns and Bars	1 unit per 10 seating spaces or fraction thereof	1 unit per 10 seating spaces or fraction thereof
15.	Temporary Dwellings	1 unit per dwelling (Note 1)	1 unit per dwelling
16.	Laundry Facilities	1 unit per washing machine	1 unit per washing machine
17.	Beauty Shops, Hair Salons	1 unit per 4 shampoo bowls	1 unit per 4 shampoo bowls
18.	Commercial, Industrial, and all other buildings and establishments	Per unit as may be determined by the District upon application for service based on waste volume, strength, treatability, or any other factors affecting the cost of waste collection, treatment, and disposal or regulated by Federal, State or local requirements (Note 2)	Per unit as may be determined by the District upon application for service based on waste volume, strength, treatability, or any other factors affecting the cost or waste collection, treatment, and disposal or regulated by Federal, State or local requirements (Note 2)

1. Temporary dwellings shall pay the regular connection charge at the time of connection to the system. If the temporary structure is disconnected prior to the expiration of three (3) years since permit issuance a prorated refund based on the number of months remaining in the three year time period, less inspection fees, will be granted upon request. Such request must be made within ninety (90) days of disconnection.

2. Where unit equivalency must be computed the District shall use the greater of the following criteria as the basis for each unit assigned.

- (a) 683 cubic feet of water per month
- (b) .45 lbs. of BOD₅ per day
- (c) .60 lbs. of Suspended Solids per day
- (d) Actual cost for collection, treatment, and disposal divided by the current monthly service charge

CHAPTER 7

COLLECTION PROCEDURES

7.010 Delinquent Charges All service charges which have been levied shall be a debt due the District. Service charges are delinquent when not paid within fifteen (15) days. Delinquent charges shall constitute a lien upon the real property where the service charges were incurred and shall be recoverable as provided by law, including any expense incurred in collection. Delinquent charges shall be considered to have been automatically entered into the District's lien docket at the time they become delinquent and may be collected as provided by law. Where delinquent charges are certified to the County Assessor for collection on the tax roles in accordance with Oregon Revised Statute, Chapter 454, a charge of \$25.00 shall be added to the amount to be certified to cover the cost of processing. In any action at law or suit in equity to collect any delinquent user charges, the District shall be entitled to reasonable attorneys fees and costs and disbursements that may be awarded by the trial court, including any appeal therefrom.

7.020 Discontinuance of Service The District may, at any time after service charges become delinquent, remove or close sewer connections and enter upon any delinquent owner's property for such purpose. In addition, when any property owner fails to cease discharging into the District sewerage system prohibited substances after notice from the District to cease or fails to install flow sampling or measuring devices after being notified by the District to do so, sewerage service may be discontinued in the same manner as provided hereinabove. The expense of such discontinuance as well as the expense of restoring service shall be a debt due to the District and shall be recovered at the same time and manner as the delinquent charges.

7.030 Restoration of Service Sewer service which has been discontinued by the District shall not be restored until all accrued charges, including the expenses of discontinuance and restoration shall have been paid and the cause for discontinuance corrected.

CHAPTER 8

PENALTIES AND DAMAGES

8.010 Violations Any person violating any terms or provisions of the Sewer Code or any rule or regulation adopted thereto may be subjected to the imposition of civil penalties, including but not limited to fines, modification or revocation of permit and/or cessation of services, or injunction or other relief provided by law. In addition, violation of this code or other rules and regulations adopted thereto is a misdemeanor.

8.020 Procedure for Imposition of Civil Penalties

- (1) **Notice** Whenever the General Manager finds that any user or person has violated this Sewer Code or any rules or regulations adopted thereto, the General Manager shall serve or cause to be served upon such user or person written notice, either personally, by office, or substitute service as those terms are defined in the Oregon rules of Civil Procedure, or by Certified or Registered mail, return receipt requested, stating the nature of the alleged violation and the civil penalty contemplated under this Sewer code or rules and regulations adopted thereto. Within thirty (30) days of the date of receipt of the notice, the user or person shall respond in writing to the General Manager advising of its position with respect to the allegation. Thereafter the parties may meet to ascertain the veracity of the allegation through testimony or otherwise and, where necessary, establish a plan for the satisfactory correction thereof.
- (2) **Show Cause Hearing** When the violation alleged is not corrected within a reasonable time pursuant to the notice procedure contained above, the General Manager may order any user or person who causes or allows the violation alleged to continue to show cause before the Board, the General Manager, Hearings Officer or other authorized designee of the District why the proposed civil penalties should not be imposed. As used in this subsection, a reasonable time shall be determined in good faith by the General Manager, taking into consideration all circumstances involved. A written notice shall be served on the user or person in the same manner as specified in subsection 1, specifying the time and place for a show cause hearing to be held by the District or its designee regarding the violation, the reasons why the enforcement action, including any proposed civil penalty assessment, is to be taken, and directing the user or person to show cause why the proposed enforcement action should not be taken. The notice herein shall be served not less than ten (10) days before the scheduled hearing date. Service may be made upon any agent, officer, or other authorized representative of the user or person. The hearing shall be conducted in accordance with ORS Chapter 183.

The record of the hearing shall be considered by the District, which shall enter appropriate orders, including any civil penalty being imposed with respect to the alleged improper activities of the user or person. Appeal of such orders may be

taken by the user or person as provided in the Oak Lodge Sanitary District Sewer Code, Chapter 9.

- (3) Schedule of Civil Penalties In addition to any liabilities, duty or other penalty provided by law, the District, its General Manager, or other authorized representative or designee, as the case may be, may assess in conjunction with the show cause proceeding described in subsection (2) above, a civil penalty for any violation of this ordinance by service of a written notice of assessment of civil penalty upon the user or person as provided in this subsection. The amount of such civil penalty shall not be less than one hundred dollars (\$100), nor more than the maximum amount assessable against the District by any governmental agency having jurisdiction over the District, or the actual cost to the District to remedy any damage or interruption to the District's sewerage treatment process or system, whichever is greater. The District has the authority to assess civil penalties of at least one thousand dollars (\$1,000) per day per violation in accordance with the requirements of the Code of Federal Regulations, revised section 40 CFR 403.8(f)(1)(vi)(A). Each day of a continuing violation shall constitute a separate offense for the purposes of the civil penalty assessable for the violation.

- (4) Enforcement of Civil Penalty Procedures for the enforcement of the civil penalty shall be as follows:
 - (A) Time Limit Any civil penalty imposed shall be a judgement and may be registered with the Circuit Court Clerk. The penalty shall be paid in full within fifteen (15) days of the date of the final decision. Payment shall be made either in cash or by certified check made payable to the District and submitted to the General Manager.

 - (B) Relief in Circuit Court If full payment is not made, the District may take further action for collection. Alternatively, counsel for the District may, following authorization of such action by the District, commence an action for appropriate legal and/or equitable relief in the Circuit Court. Notwithstanding the foregoing administrative hearing processes, nothing in this subsection shall prohibit the District from commencing civil action in the Circuit Court for injunction or other relief or seeking imposition of civil penalties described above by the court. Further, as the violation of the Sewer Code, or rules and regulations adopted thereto, is a misdemeanor, nothing in this subsection shall prohibit the District from instituting criminal proceedings for a violation, either through the District Attorney of Clackamas County or by the District's legal counsel.

In addition to all other remedies provided by law, the District may take legal action to collect damages from any person causing damage or expense to the District as a result of violating any provision of the Sewer Code. In any such legal action the defendant shall be required to pay the actual costs of the same to the District including reasonable fees of expert witnesses and attorneys to be set by the Court.

8.030 (Deleted by Ordinance No.52)

CHAPTER 9

APPEALS

9.010 Appeal Procedure Procedures for appeal shall be as follows:

- (1) Any person aggrieved by any decision or action of the General Manager made or taken pursuant to the rules and regulations of the District may appeal to the governing body thereof by filing a written notice of appeal with the General Manager within fifteen (15) days following the adverse decision or action of the General Manager. Such notice of appeal shall set forth in ordinary language the applicant's reasons why such decision or action should be reversed or modified. Within thirty (30) days following receipt of notice, the governing body of the District shall set a time for a hearing upon such appeal which shall be not less than ten (10) nor more than forty (40) days following the receipt of the notice of appeal. Following a hearing on appeal, the governing body shall uphold, reverse or modify the decision of the General Manager.
- (2) The decision of the District shall be sent to the user or person by Certified mail, return receipt requested. The decision shall be final unless a notice of intent to file a writ of review in the Circuit Court from the user or person is received within ten (10) days after the decision of the District was sent to the user or person. Upon filing of the notice of intent to seek writ of review in the Circuit Court, the user or person shall comply with ORS Chapter 34 relating to writ of review procedures.

Every notice of intent to file a writ of review shall contain the following:

- (A) a reference of the matter to be reviewed
- (B) a statement of the interest of the appellant/user or person
- (C) the specific ground relied upon as to why the decision being appealed is improper or erroneous
- (D) the date of the decision of the initial action

CHAPTER 10

SURCHARGES

10.010 Surcharges Whenever the District shall determine that there is infiltration of storm water into any sewer which is not a part of the District sewerage system but which is connected thereto and such infiltration exceeds one gallon per inch of pipe diameter per 100 feet of pipe, the owner thereof shall be surcharged. The surcharge shall be in addition to the service charge and shall be collected in the same manner as the service charge. The surcharge shall be equal to the actual cost of treatment of the infiltration incurred by the District including administrative overhead, operation and maintenance expense.

To determine the amount of infiltration, the District may meter and record flows from suspected areas between the hours of 2:00 o'clock a.m. and 4:00 o'clock a.m. Flows during this period, less a 10 % allowance for possible nighttime use of the system, shall be assumed to be the amount of infiltration. Significant sewage producing activity during the test period will be metered at the source and subtracted from the metered flows to arrive at the quantity of infiltration. Surcharges shall continue until excessive infiltration conditions are corrected.