

RESOLUTION NO. 731

A RESOLUTION ESTABLISHING AND IMPOSING JUST AND EQUITABLE FEES AND CHARGES FOR CONNECTION TO AND USE OF THE SEWAGE DISPOSAL SYSTEM OF THE CITY OF WILSONVILLE; PROVIDING FOR THE MANNER OF PAYMENT COLLECTION, ENFORCEMENT AND DISBURSEMENT OF SUCH FEES AND CHARGES AND REPEALING RESOLUTIONS NO. 370 AND 556.

ARTICLE I  
DEFINITIONS

Section 1. "Appeals Board" shall be as defined in the City of Wilsonville Code, Section 3.112 (1) (a).

Section 2. "BOD" shall be as defined in the City of Wilsonville Code, Section 3.112 (1) (b).

Section 3. "Building Drain" shall be as defined in the City of Wilsonville Code, Section 3.112 (1) (c).

Section 4. "Building Sewer" shall be as defined in the City of Wilsonville Code, Section 3.112 (1) (d).

Section 5. "Combined Sewer" shall be as defined in the City of Wilsonville Code, Section 3.112 (1) (e).

Section 6. "Commercial" shall be as defined in the City of Wilsonville Code, Section 3.112 (1) (f).

Section 7. "Convalescent or Nursing Facilities" shall mean the structures which are constructed for purposes of continuous care or convalescence of person(s) who may be ambulatory or handicapped but, in any event, are in need of continuous care. The structure must meet applicable codes as required by the State of Oregon, the City of Wilsonville and other appurtenant ordinances or resolutions; and as the structure is designed for the intended use thereof.

Section 8. "Director" shall be as defined in the City of Wilsonville Code, Section 3.112 (1) (h).

Section 9. "Dwelling Unit" shall mean a building, mobile or manufactured home, designed for residential occupancy.

Section 10. "Garbage" shall be as defined in the City of Wilsonville Code, Section 3.112 (1) (i).

Section 11. "Hotel and Motel" shall mean any building which is designed or used to offer lodging for rent or hire, with or without meals for four or more people or containing six or more guest rooms.

Section 12. "Individual Connections" shall mean a single building drain and building sewer from a structure which is connected to a service connection.

Section 13. "Industrial" shall be as defined in the City of Wilsonville Code, Section 3.112 (1) (j).

Section 14. "Industrial Wastes" shall be as defined in the City of Wilsonville Code, Section 3.112 (1) (k).

Section 15. "Major Sewer Line Extension" shall be as defined in the City of Wilsonville Code, Section 3.112 (1)(l).

Section 16. "Manufactured Residential Unit" shall mean a structure which is intended for human occupancy by one or more persons, that has sleeping, eating, cooking and plumbing-sanitation facilities and which is constructed off-site in compliance with the Uniform Building Code (Oregon State Structural Speciality Code) and designed to be transported to a site for installation and/or assembly of modular components to form a permanent structure.

Section 17. "Meeting Halls" shall mean a structure which is constructed for the purpose of conducting meetings which may or may not be open for public use. The structure must meet applicable codes as required by the State of Oregon, the City of Wilsonville and other appurtenant ordinances or resolutions and as the structure is designed for the intended use.

Section 18. "Mobile Home Residential Unit" shall mean a structure which is intended for human occupancy by one or more persons, that has sleeping, eating, cooking and plumbing - sanitation facilities, and which is constructed off-site in compliance with the Oregon Department of Commerce standards for mobile homes, and designed to be transported to a site to be used as a permanent residence.

Section 19. "Multi-Family Residential Unit" shall mean a residential structure which is occupied by one or more persons of which there is more than one dwelling

structure per lot, according to approved zoning requirements and which provides complete independent living facilities for each dwelling structure including, but not limited to, permanent provisions for living, sleeping, eating, cooking and sanitation.

Section 20. "Natural Outlet" shall be as defined in the City of Wilsonville Code, Section 3.112 (1) (m).

Section 21. "Office Complexes" shall mean a structure in which more than one unit is constructed for commercial office use and is separate from each unit by intended use.

Section 22. "Official" shall be as defined in the City of Wilsonville Code, Section 3.112 (1) (n).

Section 23. "Owner(s)" shall be as defined in the City of Wilsonville Code, Section 3.112 (1) (o).

Section 24. "Person" shall mean any individual, firm, company, association, society, corporation or group.

Section 25. "pH" shall be as defined in the City of Wilsonville Code, Section 3.112 (1) (p).

Section 26. "Properly Shredded Garbage" shall be as defined in the City of Wilsonville Code Section 3.112 (1) (q).

Section 27. "Public Sewer" shall be as defined in the City of Wilsonville Code, Section 3.112 (1) (r).

Section 28. "Residential" shall be as defined in the City of Wilsonville Code, Section 3.112 (1) (s).

Section 29. "Residential Unit" - In cases where apartment complexes are involved, a residential unit is designated as one residential unit of a dwelling.

Section 30. "Restaurants" shall mean a structure which is constructed for the purpose of preparation and serving of food to one or more persons in return for payment by those persons. The structure must meet all applicable codes as required by the State of Oregon or the City of Wilsonville and other appurtenant ordinances or resolutions and as the structure is designed or occupied for the individual use thereof.

Section 31. "Sanitary Sewer" shall be as defined in the City of Wilsonville Code, Section 3.112 (1) (t).

Section 32. "Service Connection" shall be as defined in the City of Wilsonville Code, Section 3.112 (1) (u).

Section 33. "Sewage" shall be as defined in the City of Wilsonville Code, Section 3.112 (1) (v).

Section 34. "Sewage System" shall be as defined in the City of Wilsonville Code, Section 3.112 (1) (w).

Section 35. "Sewage Treatment Plant" shall be as defined in the City of Wilsonville Code, Section 3.112 (1) (x).

Section 36. "Sewer" shall be as defined in the City of Wilsonville Code, Section 3.112 (1) (y).

Section 37. "Shall" shall be as defined in the City of Wilsonville Code, Section 3.112 (1) (z).

Section 38. "Single Family Dwelling Unit" shall mean a residential structure which is occupied by one or more persons of which there shall be only one dwelling structure per lot and which provides complete, independent living facilities for one or more persons including, but not limited to, permanent provisions for living, sleeping, eating, cooking and sanitation.

Section 39. "Slug" shall be as defined in the City of Wilsonville Code, Section 3.112 (1) (aa).

Section 40. "Storm Drain" shall be as defined in the City of Wilsonville Code, Section 3.112 (1) (bb).

Section 41. "Suspended Solids - SS" shall be as defined in the City of Wilsonville Code, Section 3.112 (1) (cc).

Section 42. "Upset" shall mean an exceptional incident in which there is unintentional and temporary noncompliance with permit effluent limitations because of factors beyond the reasonable control of the City excluding such factors as operational error, improperly designed or inadequate treatment facilities or improper operation and maintenance or lack thereof.

Section 43. "Wastewater Permit Application" shall mean the form on which a sewer connection fee and wastewater discharge permit is processed through the Building Department.

Section 44. "Watercourse" shall be as defined in the City of Wilsonville Code, Section 3.112 (1) (dd).

Section 45. "NPDES" shall be defined as the National Pollution Discharge Elimination System.

ARTICLE II  
PERMIT AND PERMIT FEES

Section 1. Building Sewer Permits and Wastewater Discharge Permits.

There shall be three classes of building sewer permits for which application shall be filed with the Official on forms provided by his office for (1) residential; (2) commercial service; (3) industrial service.

Section 2. Sewer Permit and Wastewater Discharge Permit Fees

To provide for the cost of processing a wastewater sewer connection permit, and a wastewater discharge permit, the following fees will be charged. The permit fee below shall be reviewed annually by the City Council. The Council may, from time to time, including but not limited to its annual review, increase fees giving due consideration to the increase in the consumers price index (CPI) for the Portland metropolitan Tri-County area from the month of the last increase to the month preceding the date of the review. The Council may take action not to make such increase in permit fees any year it is deemed appropriate to do so.

<u>TYPE</u>	<u>FEE</u>
(1) (a) Single Family	\$ 37.00
(b) Multi-Family	
\$6.32 per unit but not less than	\$ 73.00
(2) Commercial	\$100.00
(3) Industrial	\$200.00

Section 3. Owner(s) Responsibility

- A. The owner(s) of a property in which a building sewer is then connected to the public sewer shall be responsible for:
1. Repair of all known sewer breaks, leaks, cracks, and similar problems in all pipes, manholes, clean-outs and appurtenances to the building sewer which would cause ground or surface water to infiltrate or to flow into the building sewer either directly or indirectly. All costs involved in making repairs shall be borne by the owner(s).
- B. The City shall have the specific right to test and check all building sewers to determine compliance with City, State and EPA requirements as necessary

upon written notification to the owner(s) that such tests are to be taken. Written notification may be by newspaper advertisement or article.

ARTICLE III  
WASTEWATER DISCHARGE PERMIT

Application and Permit to Discharge

Section 1. General

Each nonresidential user discharging, proposing to discharge or having the potential to discharge contributions of wastewater into the City sewerage system which meet any of the following criteria shall secure a Wastewater Discharge Permit from the City:

- (a) is subject to national categorical pretreatment standards promulgated by EPA under Section 307(b) or (c) of the Clean Water Act (CWA);
- (b) has in its waste toxic pollutants as defined pursuant to Section 307 and Section 502 of the CWA;
- (c) has a non-domestic flow of 25,000 gallons or more per average work day;
- (d) contributes more than 5 per cent of the actual daily average dry weather hydraulic, organic or solids handling load to the City's wastewater treatment plant;
- (e) is determined by the State or City to have a significant impact or potential for significant impact to adversely affect the City sewerage system by either upset, inhibition, pass through of pollutants, sludge contamination or other means.

Section 2. Application

Existing nonresidential users shall apply for a Wastewater Discharge Permit within thirty (30) days after becoming subject to the requirements of Article III, Section 1. New nonresidential users subject to the requirements of Article III, Section 1 shall apply at least ninety (90) days prior to connecting to or discharging to the City sewerage system.

Section 3. Modification of Permit

- A. Discharge conditions included in a Wastewater Discharge Permit shall remain in effect for that permit until it expires, except that they may be revised from time to time as the Director deems necessary to effectively manage industrial waste discharge. The nonresidential user shall be informed of any proposed changes in its permit at least thirty (30) days prior to the effective date of change except in the event of an emergency.

- B. Any nonresidential user with a valid permit and proposing to make a change in its existing discharge which will substantially change the volume of flow or the characteristics of the discharge or establish a new point of discharge, shall apply for an amended permit at least sixty (60) days before making such change.

Section 4. Duration

Permits shall be issued for a specified time period, not to exceed three (3) years. The non-residential user shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of this existing permit if it desires to continue the uninterrupted discharge of restricted substances.

Section 5. Transfer

A Wastewater Discharge Permit will be issued to a specific non-residential user for a specific operation. A Wastewater Discharge Permit shall not be assigned, transferred or sold without the approval of the Director. Any succeeding non-residential user shall agree to comply with the terms and conditions of the existing permit as a condition precedent to the approval by the Director of a transfer sale or assignment of the permit.

Section 6. Inspection and Sampling

The City shall have the right to inspect the facilities of any non-residential user subject to Article III, Section 1 as necessary to determine compliance with pretreatment standards. These inspections shall take place whether or not the provisions of this ordinance are being complied with. The owner, operator or agent in charge of premises where wastewater is created or discharged shall allow authorized representatives of the City, State, and EPA, upon presentation of their credentials, access at all reasonable times to all parts of the premises for the purpose of the performance of any of their duties, including but not limited to, inspection, observation, sampling, and/or records copying and examination. The City, State, and EPA shall have the right to set up on the non-residential user's property such devices as may be necessary or proper to conduct sampling, observation, inspection, compliance monitoring and/or metering operations. The nonresidential user shall make arrangements with its employees so that upon presentation of their credentials, representatives from the City, State, or EPA will be permitted to enter, without delay, for the purpose of performing their responsibilities.

Section 7. Confidential Information

Information and data obtained by the City from reports, questionnaires, permit applications, permits and monitoring programs shall be available to the public and other

governmental agencies without restriction unless the permit holder requests in writing that it be confidential and demonstrates to the satisfaction of the Director that such records are exempt from disclosure under ORS 192.500(1) (b), (e) or (2) (g). Notwithstanding anything herein to the contrary, all such data shall be available at least to the extent necessary so that the Director can ensure compliance with the requirements of 40 CFR - 2.302 and to State and Federal agencies as required during judicial or enforcement proceedings involving the nonresidential user.

When confidentiality is requested and the right thereto is established by the permit holder, the confidential information shall not be made available for inspection by the public but may be made available upon written request to governmental agencies for uses related to this resolution, the NPDES permit, or pretreatment programs. However, all portions of a report shall be available for use by the City, State or any state agency in judicial or enforcement proceedings involving the person furnishing the report.

Section 8.      Violations

- A.      A violation shall have occurred when:
  - 1.      any requirement of this resolution, Wilsonville Code, (Chapter 3 and Chapter 8), or specific requirements of the industrial waste discharge permit has not been met;
  - 2.      false information has been provided by the discharger.
- B.      Upon determination by the Director that a violation has occurred or is occurring, the Director shall, except in an emergency, issue a Notice of Violation to the discharger which outlines the violation and the potential liability as well as any proposed enforcement actions. The Notice may further require correction of the violation within a specified period of time, and may require written confirmation of the correction and a description of the efforts made to correct the violation. The Notice shall be personally delivered to the user's premises or be delivered by certified mail. In an emergency, notice may be given orally, but shall be confirmed in writing at the earliest practical time. Notice by mail is presumed to be received by the addressee on the third day after mailing.
- C.      In the event a User shall fail to correct any violation within the time specified by the Director, the Director may initiate monetary penalties. The penalties may be initiated with or without the initiation of judicial



proceedings. When in the opinion of the Director, it is necessary to initiate monetary penalties, the following shall apply:

1. For the first, second, third, and fourth calendar months a violation continues beyond the time limit provided for correction thereof, the User shall be assessed the graduated penalties listed below. Any violation occurrence within the calendar month is considered a continuing violation.
2. The first calendar month beyond the time limit for correction shall be \$300 per violation per day.
3. The second calendar month beyond the time limit for correction shall be \$600 per violation per day.
4. The third calendar month beyond the time limit for correction shall be \$1,200 per violation per day.
5. The fourth calendar month beyond the time limit for correction and thereafter shall be \$2,400 per violation per day.

D. In the event of any actual or threatened discharge into the City sewerage system in violation of this resolution or the conditions of a Wastewater Discharge Permit, which discharge presents an imminent or existing danger to the health or welfare of persons, property or the environment or which has caused or will cause damage to or interference with the operation of the City sewerage system, the Director may issue an order to cease and desist and direct that those nonresidential users responsible for such violation:

1. Comply forthwith;
2. Comply in accordance with the time schedule set forth by the Director ; or
3. Take appropriate remedial or preventive action.

If the nonresidential user in noncompliance fails to comply with the order, the City shall take such steps as are deemed necessary or proper including immediate severance of the sewer connection. The City shall reinstate the wastewater treatment service upon proof of the elimination of the actual or threatened violation. The filing of an appeal pursuant to Article VI shall not stay enforcement of the Director.

Section 9. Severability

If any provision of this resolution or its application to any person or circumstances

is held, in whole or in part, to be invalid, the remainder of this resolution or provision or its application to other persons or circumstances shall not be affected.

ARTICLE IV  
USER FEES FOR SEWER SERVICE

Section 1. User fees are hereby imposed upon the owner(s) of any building(s) whose property is connected to a sanitary sewer.

Section 2. Building(s) that are served by pumping units shall be subject to the user fees provided by this resolution.

Section 3. When sewer service is initially provided to any building(s), a sewer user fee shall be charged for each month a building sewer is connected to or discharged into the public sewer.

Section 4. Sewer user fees are hereby charged to the owner(s) of the property connected to the sanitary sewer. Such charges are to begin at the time the connection has been accepted by the Community Development Department according to standards set forth in the Construction Standards for the City of Wilsonville.

Section 5. Sewer user fees may be billed to an occupant; however, the owner(s) shall be ultimately responsible for all sewer user fees for the property or buildings(s).

Section 6. Sewer user fees shall be reviewed by the City Council. The City Council may, from time to time, including but not limited to its annual review, increase fees giving due consideration to the increase in the consumers price index (CPI) for the Portland metropolitan Tri-County area from the month of the last increase to the month preceding the date of the review. The Council may take action not to increase fees in any year it is deemed appropriate to do so.

Section 7. All sewer users whose sewer connection is outside the city limits, shall be billed two (2) times the rate mentioned below.

USER FEE SCHEDULE

<u>CATEGORY</u>	<u>MINIMUM MONTHLY CHARGE</u>	<u>USER FEE</u>
*Residential - Single Family Dwelling Unit	\$7.74/month/dwelling unit	N/A
**Residential Multi-Family Residential Unit	\$7.74/month/residential unit	N/A

<u>CATEGORY</u>	<u>MINIMUM MONTHLY CHARGE</u>	<u>USER FEE</u>
Commercial or Industrial Users connected to City Water System	\$14.19/month/unit	\$0.0072/cubic feet/month
Commercial or Industrial Users not connected to the City Water System	\$14.19/month/dwelling unit equivalent	*** \$0.0072/cubic feet/month
Commercial or Industrial Users whose domestic water consumption, less irrigation water use, is proportionately a minimum of three (3) times greater than the measured sanitary sewer discharged.	\$14.19/month/dwelling unit equivalent	***\$0.0072/cubic feet/month

Section 8. Non-residential users who are required to secure a wastewater discharge permit shall, at a minimum, be additionally charged the following for wastewater characteristics established through monthly reporting requirements:

- Flow.....\$0.18 per 100 gallons discharged.
- BOD.....\$0.24 per pound discharged.
- Suspended Solids.....\$0.24 per pound discharged.

Other charges may be established through the wastewater discharge permit to recover potential or actual costs incurred by the City due to wastes that adversely affect the sewerage system or affect the environment.

- \* Single Family includes condominiums.
- \*\* Multi-Family includes apartment complexes.
- \*\*\* Cubic Feet or gallons of discharge shall be measured from the discharge point of the building sewer into the public sanitary sewer and shall be based on the average daily discharge as measured. Measurement period shall be two (2) weeks, and after three (3) billing periods, or six (6) months, a new measurement shall be taken. Each measurement shall set the user fee for the next six (6) month period.

ARTICLE V  
SEWER CONNECTION FEES

Section 1. Fees for connection to the sanitary sewer shall be charged to the owner(s) of any building(s) in which a sewer connection is made. Said connection fees shall be a revenue source to the City and shall entitle the owner(s) to a service connection to the sanitary sewer system.

Section 2. A service connection shall be provided at the property line by the City for all residential, commercial and industrial properties under the following condition(s):

- A. The service connection was installed during the residential, commercial and industrial subdivision project, and was accepted under the City of Wilsonville Acceptance Procedure.

Section 3. The sewer connection fee is based upon existing or intended use of the property at the time of application for connection. If the property is improved, expanded, subdivided or otherwise modified so as to increase the sewer connection fee due for that property or structure, a sewer connection fee shall be charged for the modified portion of the property or structure based on the sewer connection fee in effect at the time of the modification. The sewer connection fee paid for a specific sewer service for a residential, commercial or industrial unit shall be valid for a one (1) year period from the date of issuance of the sewer connection permit. After the one (1) year period, the sewer connection permit will have expired. The Building Official will then, in writing, notify the permittee that the permit has expired. The written notification of sewer connection permit expiration shall state the permittee has ten (10) days from the receipt of the expiration notice to request an extension time of the sewer connection permit. If there has been no response within ten (10) days, the connection fee shall be considered forfeited. The permittee shall then be required to re-apply for a sewer connection permit and pay the sewer connection fee in effect at the time of re-application.

Section 4. Buildings that are serviced by pumping units shall be subject to the sewer connection fees provided by this resolution.

Section 5. Sewer connection fees required by this resolution shall either be due and payable with the building permit fee and before connection to the public sewer, or the applicant may submit a bond or other acceptable financial reservation due and payable at the time of building occupancy.

Section 6. Schedule of Sewer Connection Fees

A dwelling unit (DU) is defined as a residential dwelling and is equivalent to a minimum of sixteen (16) fixture units.

For the purpose of determining equivalent fixture units, the following will be used:

<u>FIXTURE</u>	<u>EQUIVALENT FIXTURE UNIT</u>
1 toilet	6
1 urinal	5
1 lavatory, sink or laundry tray	2
1 floor drain 2" max outlet	4
3" max outlet	6
4" max outlet	8
1 dishwasher 2" max outlet	3
3" max outlet	9
4" max outlet	12
1 bathtub or shower	2
1 drinking fountain	1
1 garbage grinder	4
1 commercial washer	
0 to 5 pound capacity	2
over 5 to 10 pound capacity	4
over 10 to 15 pound capacity	6
over 15 to 20 pound capacity	7
over 20 to 25 pound capacity	8
over 25 to 35 pound capacity	9
over 35 pound capacity	1-1/2 EFU per 5 pounds capacity

All those equivalent fixture units not shown herein shall be as specified in the most recent issue of the Uniform Plumbing Code.

SEWER CONNECTION FEES

<u>CLASS OF SERVICE</u>	<u>CONNECTION FEE</u>
<u>Residential</u>	
1. Single Family Dwelling Unit	\$1,298 per each DU
2. Multi-Family Residential Unit	\$1,298 per each DU
3. Mobile Home Residential Unit	
a) With individual connections	\$1,298 per each DU
b) Without individual connections	\$1,298 per first DU and \$568 per each DU thereafter.

<u>CLASS OF SERVICE</u>	<u>CONNECTION FEE</u>
<u>Residential (cont.)</u>	
4. Manufactured Residential Unit	\$1,298 per each DU
<u>Commercial</u>	
Includes, but is not limited to: hotels, motels, restaurants, drive-in restaurants, commercial warehouses meeting halls, churches, schools, hospitals, convalescent and nursing facilities, hardware stores and office complexes	The greater of: a) \$1,298 per each DU or b) One (1) DU per 10,000 square feet of building ground floor area on the owners project which will be connected to the sanitary sewer times \$1,298 per DU.
<u>Hotels &amp; Motels</u>	
	\$1,298 per 25 fixture units.
<u>Industrial</u>	
Director shall make the determination as to the industrial status of a sanitary sewer user.	The greater of: a) \$1,298 per each DU or b) One (1) DU per 10,000 square feet of building ground floor area on the owners project which will be connected to the sanitary sewer, times \$1,298 per DU.

Section 7. All sewer connection fees shall be reviewed annually by the City Council. The City Council may, from time to time, including but not limited to its annual review, increase fees giving due consideration of the increase in the consumer price index (CPI) for the Portland metropolitan Tri-County area from the month of the last increase to

the month succeeding the date of the review. The Council may take action not to increase fees in any year it is deemed appropriate to do so.

Section 8. Sewer connections outside the City limits shall be charged at two (2) times the connection fees provided herein.

Section 9. Any persons applying for a permit to connect a property or structure directly to a public sewer which was installed without direct or indirect cost to the owner(s) or prior owner(s) of the connecting property(s), shall pay a connection surcharge as established by special resolution of the City Council at or prior to the time of construction. The connection surcharge rate shall remain in effect until such time as modified by resolution of the Council.

## ARTICLE VI

### APPEALS, PAYMENT, COLLECTION, ENFORCEMENT AND DISBURSEMENT VALIDITY

#### Section 1. Appeals Procedure

- A. Any person aggrieved by a ruling under, or interpretation of the provisions of this resolution, may submit a written appeal to the City Council of Wilsonville. The appeal shall set forth the events and circumstances leading to the appeal, the nature of the ruling or interpretation from which relief is sought, and the nature of the impact of the ruling on appellant's property or business together with any other reasons for the appeal.
- B. The City Council will consider the appeal within thirty (30) days of receipt of the appeal at the next regular Council meeting and hear testimony if deemed necessary. The decision of the Council will be final.

#### Section 2. Payment

Every person subject to a charge hereunder shall pay the same, when due, to the Finance Director of the City of Wilsonville.

#### Section 3. Collection

- A. The Finance Director of the City is hereby directed to collect the sewer user fees and connection fees as provided for herein.
- B. Sewer user fees and connection fees, when collected, shall be paid into a fund designated as the "Sewer Fund".

- C. Sewer user fees, as hereinbefore provided, shall be collected bi-monthly and if not paid within then (10) days from billing date, said charges shall then be deemed delinquent.
- D. Delinquent sewer service and service connection accounts shall bear interest from the day of delinquency at a rate of fifteen per cent (15%) per annum.

Section 4. Enforcement

- A. The Finance Director of the City may use such means of collection as may be provided by the laws of the State of Oregon or permitted by the Charter and Ordinances of the City of Wilsonville.
- B. If a court suit or action is instituted to enjoin any unauthorized connection to or use of the sewage system, or for the collection of accounts, the City shall be entitled to collect, in addition to costs and disbursements provided by statute, such sum as any court, including any appellate court; may adjudge reasonable as attorney's fees in such suit of action.
- C. The City may, without notice or liability, discontinue sewer service and disconnect buildings from the City's sewerage system if sewer service charges and/or sewer connection fees, or other fees under this resolution, become delinquent; or if the safety, health or welfare of the citizens of Wilsonville may be jeopardized, and the City may continue thereafter to refuse sewer service and sewer connections to such delinquent owner(s) property until all such delinquencies and interest are fully paid.

Section 5. Disbursement

- A. The City Council, by resolution or motion duly adopted, shall from time to time and not less than once each fiscal year, direct the transfer of funds from the Sewer Fund to all or any of the following:
  - 1. The "Sewer Expansion and Capital Improvement Fund" from which funds have been collected in the form of sewer connection fees.
  - 2. The account or accounts for the payment of principal and interest on maturing sewer bonds, from which funds have been collected in the form of sewer connection fees.
  - 3. The account or accounts established for the operation and maintenance of the sewerage system, which funds have been collected in the form of sewer user fees.



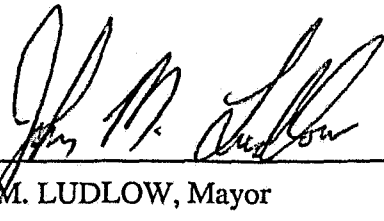
Section 6.      Validity

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


Section 7.      Repealing Existing Resolutions

By the adoption of this resolution, Resolutions No. 370 and 556 are hereby repealed.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 17th day of July, 1989, and filed with the Wilsonville City Recorder this same date.

  
\_\_\_\_\_  
JOHN M. LUDLOW, Mayor

ATTEST:

  
\_\_\_\_\_  
VERA A. ROJAS, City Recorder

SUMMARY of Votes:


Mayor Ludlow	<u>AYE</u>
Councilor Edwards	<u>AYE</u>
Councilor Chandler	<u>AYE</u>
Councilor Clarke	<u>AYE</u>
Councilor Dant	<u>AYE</u>

CITY OF

  
**Wilsonville**

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503 / 682-1011

**JULY 12, 1989**

**TO: HONORABLE MAYOR AND CITY COUNCILORS**  
**THROUGH: PETE WALL, CITY MANAGER**  
**FROM: STEVE STARNER  COMMUNITY DEVELOPMENT DIRECTOR**  
**RE: RESOLUTION ESTABLISHING SEWER USER FEES AND CONNECTION CHARGES**

Resolution CB-R-395-89 and accompanying Wastewater Discharge Permit are an essential component of an acceptable municipal pretreatment program. The EPA has recently required all local governments and publicly owned treatment works to draft and enforce pretreatment programs in an effort to monitor and control industrial discharges. DEQ has reviewed the City's proposed resolution and discharge permit. Suggested changes were incorporated into both and DEQ has indicated that the resolution and discharge permit meet the guidelines of an EPA approved pretreatment program.

Specifically, the proposed resolution incorporates components of Ordinance No. 20, Resolution No. 328 and Resolution No. 556 which previously established sewer use standards, user fees and connection charges. Due to the requirements of the pretreatment program, new additions to the proposed resolution are as follows:

- |              |                  |  |
|--------------|------------------|--|
| Article I.   | Section 42.      | "Upset" is defined.  |
| Article II.  | Section 1 and 2. | Expanded to include discharge permit. Commercial fee increased from \$81 to \$100. Industrial fee increased from \$123 to \$200. |
| Article III. |                  | Completely new language addressing the discharge permit process and requirements.  |

Article IV. Section 6. Language inserted to allow annual fee increase based on CPI if approved by Council.

Section 7. The monthly charges and user fees have been increased by 3.2 percent to reflect the following:

	<u>CURRENT</u>	<u>PROPOSED</u>
Residential -	\$ 7.50 per month	\$ 7.74 per month
Com./Ind. -	\$13.75 per month	\$14.19 per month
	\$ .007/cu ft/month	\$ .0072/cu ft/month

Section 8. Outlines additional user fees for discharge permit holders. An example of the estimated effect on Coca-Cola was presented in an update on July 3 (see exhibit No. 1).

Article V. Section 6. Fees reflect a 3.2 percent increase from \$1,258 per dwelling unit to \$1,298 per dwelling unit.

Recommendation:

Approve CB-R-395-89 as presented.

Permit Number: \_\_\_\_\_  
Expiration Date: \_\_\_\_\_

**WASTEWATER DISCHARGE PERMIT**

This Agreement is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
between The City of Wilsonville hereinafter referred to as "CITY" and \_\_\_\_\_  
\_\_\_\_\_ hereinafter referred to as "INDUSTRY".  
(Industry Name and Address)

Whereas, the CITY owns and operates a Publicly Owned Treatment Works (POTW) facility.

Whereas, the INDUSTRY desires to utilize this POTW pursuant to Resolution No. \_\_\_\_\_ enacted by the CITY on July 2, 1989; and

Whereas, the CITY must manage industrial wastewater discharge to protect against adverse impact to the POTW such as upset pass through of pollutants, and sludge contamination, and must comply with NPDES Permit Number 3625-J 97952 pursuant to conditions contained in Oregon Administrative Rules 340-45-063; and

Whereas, the INDUSTRY desires to utilize the POTW and recognizes its industrial waste control obligations under the federally mandated General Pretreatment Regulations (40 CFR 403). Until this Agreement expires, is modified or revoked, the INDUSTRY and CITY agree to the terms, requirements, and limitations set forth in the following conditions:

<u>Condition</u>	<u>Description</u>	<u>Page</u>
A	Discharge Standards & Limitations	2-3
B	Monitoring Requirements	4
C	Reporting Requirements	5
D	Surcharges and Fees	6
E	General Conditions	7-8

This Agreement does not relieve the INDUSTRY from responsibility for compliance with any other applicable federal, state or local law, rule, standards, ordinance, order, judgement, or decree.

Effective Date \_\_\_\_\_ Expiration Date \_\_\_\_\_

INDUSTRY Representative: \_\_\_\_\_  
(Name/Title)

Signature \_\_\_\_\_ Date \_\_\_\_\_

CITY Representative: \_\_\_\_\_  
(Name/Title)

Signature \_\_\_\_\_ Date \_\_\_\_\_

**CONDITION A**  
**Discharge Standards and Limitations**

1. Until such time as this Agreement expires or is modified or revoked, the INDUSTRY is herewith permitted to discharge adequately treated wastewater into the CITY POTW in conformance with requirements, limitations, and conditions set forth in Conditions A through E of this Agreement and pursuant to the Resolution No. 370 and Wilsonville Code (Chapter 3 and 8).
2. The INDUSTRY shall not contribute the following substances to the POTW.
  - a. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process water to any sanitary sewer.
  - b. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Director. Industrial cooling water or unpolluted process water may be discharged, upon approval of the Director, to a storm sewer or natural outlet.
  - c. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described water or wastes to any public sewer:
    - (1) Any liquid or vapor having a temperature higher than 150° F.
    - (2) Any gasoline, grease, oils, paint, benzene, naphtha, fuel oil or other flammable or explosive liquid, or gas.
    - (3) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, wax, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstructions to the flow in sewers or other interference with the proper operation of the sewage works.
    - (4) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.
    - (5) Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any corrosive property capable of causing damage to structures, equipment and personnel of the sewage works.
    - (6) Any waters or wastes containing suspended solids or B.O.D. of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant.

- (7) Any noxious or malodorous gas or substance capable of creating a public nuisance, including the contents of septic tanks and cesspools, without written consent of the Superintendent.
- (8) Any substance which may cause the City sewerage system's effluent or any other product of the City sewerage system such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
- (9) Any substance which will cause the City to violate its NPDES permit.
- (10) Any wastewater with objectionable color, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (11) Any pollutants at a flow rate and/or pollutant discharge rate which are excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency. In no case shall a slug load have a flow rate or discharge quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average flow rates or discharge quantities during normal operation.
- (12) Any wastewater containing any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the Director or applicable state or federal standards.
- (13) Any wastewater containing oil and grease in excess of 300 milligrams per liter of solution.
- (14) No nonresidential user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment.

FOR CATEGORICAL INDUSTRIES ONLY:

- 3. The INDUSTRY shall not discharge wastes exceeding those standards and limitations set forth in the Categorical Pretreatment Standards for the \_\_\_\_\_  
 \_\_\_\_\_ (Industry) 40 CFR \_\_\_\_\_ (Applicable categorical priority pollutants)
- 4. The INDUSTRY shall not discharge wastewater having an excess of:
 

1.0	mg/L Arsenic	9.0	mg/L Total Chromium
1.2	mg/L Cadmium	4.0	mg/L Zinc
4.5	mg/L Copper	3.0	mg/L Phenolic Compounds
2.0	mg/L Cyanide		mg/L _____ *
3.0	mg/L Lead		mg/L _____ *
0.1	mg/L Mercury		
5.0	mg/L Nickel		

\*Any other pollutant known to be present in industry's wastewater and requiring limitation).

5. Wastewater discharge limitations not to be exceeded after Effective Date of Agreement:

<u>Parameter</u>	<u>CONCENTRATIONS (Mg/L)</u>	
	<u>Monthly Average</u>	<u>Daily Maximum</u>
BOD	_____	_____
SS	_____	_____
COD	_____	_____
_____	_____	_____
_____	_____	_____
PH	<u>Shall stay within a range of 5.5 to 9.0</u>	

<u>Parameter</u>	<u>LOADS</u>	
	<u>Monthly Average</u>	<u>Daily Maximum</u>
Flow (gpd)	_____	_____
BOD (lb/day)	_____	_____
TSS (lb/day)	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

6. It is agreed that a discharge permit violation has occurred if any of the average monthly or daily maximum loads listed in Condition A, Item 5 are exceeded. Action to be taken specifically regarding a violation occurrence is outlined in Resolution No. \_\_\_\_, Article III, Section 8, and Condition E of this discharge permit.

**CONDITION B**  
**Monitoring Requirements**

1. INDUSTRY shall provide and operate, at its own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and internal drainage systems, by the CITY and said industry. This monitoring facility shall be located at: \_\_\_\_\_

\_\_\_\_\_

The construction of said facility shall be subject to the approval of the CITY and shall be in accordance with the CITY'S requirements and all applicable construction standards and specifications.

2. The INDUSTRY shall conduct self monitoring using the following frequency and sample technique:

<u>Parameter</u>	<u>Minimum Frequency</u> <sup>a</sup>	<u>Type of Sample</u> <sup>b</sup>
Flow	_____	_____
BOD	_____	_____
TSS	_____	_____
pH	_____	_____
Temperature	_____	_____

All monitoring must meet the specifications of the most recent edition of "Standard Methods for the Examination of Water and Wastewater", and all monitoring must meet with the approval of the City.

<sup>a</sup> Hourly, Daily, Weekly or Monthly.  
<sup>b</sup> Grab, 24-hour Composite or Continuous.



**CONDITION C**  
**Reporting Requirements**

1. On a monthly basis, the INDUSTRY shall report all monitoring data taken for the purpose of showing compliance to the discharge standards and limitations established in Condition A.
2. The INDUSTRY agrees to submit a quarterly report to the CITY on its wastewater treatment facility and compliance with limitations. The format of the monthly report shall be given prior approval by the CITY. The CITY reserves the right to modify the monthly report format if necessary.

**CONDITION D**  
**Surcharges and Fees**

1. In consideration for the CITY accepting, transporting and treating wastewater from the INDUSTRY, the INDUSTRY agrees to pay the following to the CITY:
  - a. Monthly sewer charges based on the following:

<u>Discharge Parameter</u>	<u>Cost per Unit of Discharge</u>
i) Flow (100 gal) .....	\$ 0.18
ii) Bod (lb) .....	\$ 0.24
iii) TSS (lb) .....	\$ 0.24
iv) _____ .....	\$ _____
v) _____ .....	\$ _____
vi) _____ .....	\$ _____

- b. Initial fees and charges:

	<u>Cost</u>
i) Permit Fee	\$ _____
ii) Other	\$ _____

- c. The INDUSTRY shall be liable for any and all damages to the POTW resulting from said industry's discharge and indemnify the CITY for any and all fines or penalties incurred by the CITY resulting from said industry's discharge.

**CONDITION E**  
**General Conditions**

1. The CITY reserves the right to modify this Agreement, after thirty (30) days notice, to comply with State and Federal regulations, or in response to changes in processes or discharge conditions of the INDUSTRY.
2. The CITY shall have the right to immediately suspend this Agreement upon informal notice to the INDUSTRY, should the discharge from said industry present, in the opinion of the CITY, an imminent or substantial endangerment to the health or welfare of persons. The CITY shall have the right to suspend this Agreement should the discharge from the INDUSTRY present, in the opinion of the CITY, an endangerment to the environment or the POTW, after written notification to the INDUSTRY said industry has had opportunity to respond within five (5) days of receipt of notification.
3. All discharges and activities authorized herein shall be consistent with the terms and conditions of this Agreement. The discharge of any pollutant more frequently than or at a level in excess of that identified and authorized by this Agreement shall constitute a violation of the terms and conditions of this Agreement.
4. Monitoring:
  - a. All records of monitoring activities and results, including all original strip chart recordings for continuous monitoring instrumentation and calibration and maintenance records, shall be retained by the INDUSTRY for a minimum of three years. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the INDUSTRY.
  - b. Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored discharge.
  - c. All sampling and analytical methods used to meet the monitoring requirements specified in this Agreement shall, unless approved otherwise in writing by the CITY, conform to the Guidelines Establishing Test Procedures for the Analysis of Pollutants as specified in 40 CFR, Part 136.
5. The issuance of this Agreement does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of person rights, nor any infringement of federal, state, or local laws, or regulations.
6. Whenever a facility expansion, production increase, or process modification is anticipated which will result in a change in the character of pollutants to be discharged or which will result in a new or increased discharge that will exceed the conditions of this Agreement, an application for a new or modified Agreement must be submitted together with the necessary reports, plans and specifications for the proposed changes. No change shall be made until plans have been approved and a new or modified Agreement has been issued.

7. The INDUSTRY shall, at all reasonable times, allow authorized representatives of the CITY:
  - a. To enter upon the INDUSTRY'S premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this Agreement;
  - b. To have access to and copy any records required to be kept under the terms and conditions of this Agreement;
  - c. To inspect any monitoring equipment or method required by this Agreement; or
  - d. To sample any discharge of pollutants.
  
8. The INDUSTRY shall maintain in good working order and operate as efficiently as practicable all treatment or control facilities, or systems installed or used by the INDUSTRY to achieve compliance with the terms and conditions of this INDUSTRY.
  
9. The CITY, its officers, agents, or employees shall not sustain any liability on account of the issuance of this Agreement or on account of the construction or operation treatment or control facilities.
  
10. In the event the INDUSTRY is unable to comply with all the conditions of this permit because of a breakdown of equipment or facilities, an accident caused by human error or negligence, or any other cause such as an act of nature, the INDUSTRY shall:
  - a. Immediately take action to stop, contain, and clean up the unauthorized discharges and correct the problem.
  - b. Immediately notify the CITY so that an investigation can be made to evaluate the impact so corrective actions can be taken, and additional action can be evaluated.
  - c. Submit a detailed written report within ten (10) days describing the breakdown, the actual quantity and quality of resulting waste discharges, corrective action taken, steps taken to prevent a recurrence, and any other pertinent information.

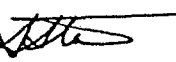
Compliance with these requirements does not relieve the INDUSTRY from responsibility to maintain continuous compliance with the Conditions of this Agreement or the resulting liability for failure to comply.

CITY OF



3000 S.W. Town Center Loop E  
 P.O. Box 220 / Wilsonville, Oregon 97070-0220  
 503 / 682-1011

COMMUNITY DEVELOPMENT DEPARTMENT  
MEMORANDUM

DATE: JUNE 29, 1989  
 TO: HONORABLE MAYOR AND CITY COUNCILORS  
 THROUGH: PETE WALL  
 CITY MANAGER  
 FROM: STEVE STARNER   
 COMMUNITY DEVELOPMENT DIRECTOR  
 RE: SANITARY SEWER UPDATE

A. During a work session on June 28, the City Attorney completed his review and noted revisions to the first draft of the new sewer user fee resolution. The revised resolution and a sample wastewater discharge permit will be sent to Coca-Cola for their review. The resolution is scheduled for presentation to the City Council during the July 17 council meeting. Highlights of the revised resolution include:

1. New user fee rates are established for nonresidential users based on flow and pounds of BOD and suspended solids. Using Coca-Cola as an example, current billing cycle user fees are as follows:

Average User Fee -	\$533.40
Average Surcharge Fee -	\$381.00
<b>Total:</b>	<b><u>\$914.40</u></b>

New billing cycles will reflect the following estimated charges:

Average User Fee -	\$548.64
Flow -	\$8,440.63
BOD -	\$19,108.80
Suspended Solids -	\$17,568.00
<b>Total:</b>	<b><u>\$45,666.07</u></b>

(\$22,833.04 per month)

Honorable Mayor and City Councilors  
Re: Sanitary Sewer Update  
June 27, 1989 - Page 2

2. Rate increases based on the 1989 CPI (3.2 percent) are reflected in the minimum monthly charge and sewer connection fee.

	<u>Existing</u>	<u>Proposed</u>
Residential	\$7.50/month	\$7.74/month
Connection Fee	\$1,258.00	\$1,298.00

- B. Proposals to perform a facility plan review for the city's wastewater treatment plant have been received from Brown and Caldwell, Curran and McCloud and CH<sub>2</sub>M-Hill. The plan review will involve immediate actions to be taken at the city's facility to expand capacity, upgrade the biological process and control odor. The plan will also recommend long-term actions to be considered for municipal wastewater treatment in the next 20 to 25 years. The Council will be asked to take action on the engineering proposals during the July 17 council meeting.
- C. Coca-Cola has been running double shifts to meet product demand over the 4th of July weekend. As you know, the double shifts place a considerable organic burden on the city's treatment plant. Although plant operators have been successful in maintaining low discharges to the Willamette River in spite of the organic load, solids concentrating in the digesters have produced objectionable odors which have not gone undetected by neighboring residents. The double shifts at Coca-Cola will discontinue beginning June 30.

ss:md

cc: Inter-Office Communications - Community Development  
Inter-Office Communications - Wastewater