

CHAPTER 73 SEWERS

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73.010. Intent and Purpose. The intent and purpose of this chapter is to provide for the orderly functioning of the publicly owned treatment works; to set forth uniform requirements for direct and indirect contributors to the stormwater and wastewater collection and treatment systems for the City of Salem; to enable the City to comply with applicable state and federal laws; and to protect the environment. (Ord No. 40-82; Ord No. 65-87; Ord No. 27-88; Ord No. 70-89; Ord No. 14-96)

73.012. Objectives. The objectives of this chapter are:

- (a) To provide control of construction and use of the municipal wastewater and stormwater systems.
- (b) To prevent the introduction of pollutants into the municipal stormwater system, into receiving waters, the environment, or the atmosphere or in any manner that is otherwise be incompatible with the system;
- (c) To provide for equitable distribution of the cost of the municipal wastewater and stormwater systems.
- (d) To protect the health of the City employees working in the wastewater collection and stormwater conveyance systems and at the wastewater treatment plant.

This chapter provides for the regulation of direct and indirect contributors to the municipal wastewater and stormwater systems through the issuance of permits to certain users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. (Ord No. 40-82; Ord No. 65-87; Ord No. 27-88; Ord No. 70-89; Ord No. 14-96; Ord No. 73-07)

73.015. Abbreviations and Definitions.

(a) As used in this chapter, the following mean:

- (1) ASPP. Accidental Spill Prevention Plan.
- (2) CFR. Code of Federal Regulations.
- (3) DEQ. Oregon Department of Environmental Quality.
- (4) EPA. Environmental Protection Agency.
- (5) USC. United States Code.
- (6) POTW. Publicly owned treatment works.
- (7) ORS. Oregon Revised Statutes.
- (8) UPC. Uniform Plumbing Code.
- (9) I/I. Infiltration and Inflow.
- (10) NPDES. National Pollutant Discharge Elimination System.
- (11) MS4. Municipal Separate Storm Sewer System.
- (12) SRC. Salem Revised Code.
- (13) TMDL. Total Maximum Daily Load.

(b) For the purposes of this chapter, the following word and phrases shall have the meanings hereinafter designated:

- (1) Act or “the Act.” The Federal Water Pollution Control Act also known as the Clean Water Act, as amended, 33 USC 1251, et seq.
- (2) Available sewer. Any sewer that can be used without the need to acquire easements and with sufficient grade to serve the property.
- (3) Building drain. That part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes within or adjoining the building or structure and conveys the same to the building sanitary or storm sewer. The building drain is considered to end at a point five feet outside the established line of the building or structure.
- (4) Building sanitary sewer. That part of the horizontal piping of a wastewater drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to the POTW, private sewer, individual sewage-disposal system or other point of disposal.
- (5) Building storm sewer. That part of the piping of a storm water drainage system which begins at the connection to the building storm drain at a point five feet outside the established line of the building or structure and conveys storm water, surface water, and other unpolluted water to the public storm sewer or other approved point of disposal.

- (6) City. The City of Salem, Oregon.
- (7) Code. Salem Revised Code (SRC).
- (8) Collection system. Facilities maintained by the City and districts connected thereto for collecting, pumping, conveying, and controlling wastewater or stormwater.
- (9) Commercial user. Any user other than a domestic or industrial user.
- (10) Compliance schedule. The shortest schedule by which the user will correct, cleanup, or provide remedial action to comply with City requirements dealing with the use, release, or disposal of pollutants. This schedule shall include project phases, including specific completion dates for each phase, to meet completion of the schedule.
- (11) Cooling water. Water other than sewage or industrial waste which is used as a medium for carrying away excess heat from any apparatus, appliance, mechanism, device, or thing, and which, in the course of such cooling process, is not mixed or commingled with any other substance or used as a means of carrying off any other substance, in suspension or in solution, thereby exiting such cooling process in substantially the same condition, save for temperature as when it entered.
- (12) Direct discharge. The discharge of treated or untreated waste or stormwater directly to the waters of the State of Oregon.
- (13) Director. The Director of Public Works or the Director's designee.
- (14) Domestic sewage or domestic waste. The liquid and water borne 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 public sanitary sewer or by means of a private sewage disposal system.
- (15) Domestic user. Any person who discharges only domestic sewage.
- (16) Drainage waste. Storm water, ground water, surface drainage, subsurface drainage, spring water, well overflow, roof drainage or other like drainage other than sewage or industrial waste.
- (17) Dwellings. A facility designed for permanent or semi-permanent occupancy and provided with minimum kitchen, sleeping, and sanitary facilities for one family.
- (18) Environment. Any naturally occurring river, stream, creek, or other waterway, any land mass, the atmosphere, or any subsurface water, aquifer or ground water or any manmade edifice directly or indirectly connected to waterways, land masses, atmosphere, or ground water as herein listed.
- (19) Extraneous water. Water entering a building sanitary sewer from any source except that domestic sewage is not considered extraneous water.
- (20) Flow. The daily total of wastewater flow from a user.
- (21) Hazardous material. Any material capable of posing an unreasonable risk to health, safety, and property, including but not limited to a substance having one or more of the characteristics of being corrosive, explosive, flammable, spontaneously ignitable, an oxidizer, toxic, or radioactive.
- (22) Holding tank waste. Waste from chemical toilets, campers, trailers, septic tanks, tank trucks, or other vessels.
- (23) In the opinion of the Director. Any opinion rendered on any subject in this chapter by any person duly authorized to render such an opinion. Appointment to an appropriate position will be deemed as being given said authority.
- (24) Indirect discharge. The discharge of nondomestic pollutants from any source regulated under Section 307 (b) or (c) of the Act (33 USC 1317), into the publicly owned treatment works (POTW) including holding tank waste and industrial waste.
- (25) Industrial user. A user that is a source of nondomestic pollutants.
- (26) Industrial waste. Any waste from a non-domestic source which is solid, liquid, or gaseous in nature and results from any production, manufacturing, or processing operation of whatever nature, including but not limited to the contents of chemical toilets, septic tanks, and wasteholding tanks.

- (27) Infiltration.** Ground water entering a sewer system and service connection by such means as, but not limited to, defective joints, broken or cracked pipes, or improper connections.
- (28) Inflow.** Stormwater discharged into a sewer system or stormwater conveyance system, and service connections from such sources as, but not limited to, roof drains or storm drain systems.
- (29) Institution.** Any building or group of buildings used as a hospital, correction facility, school or training facility, publicly or privately owned.
- (30) Lateral sewer.** Any public sewer to which a building sewer connects or may connect.
- (31) Permitted commercial or industrial user.** Any user of the POTW who is required by the Director to acquire a City permit which may require the user to meet pretreatment requirements and provide discharge sampling and flow quantities due to the nature of their discharge.
- (32) Person.** Any individual, firm, corporation, limited liability company, partnership, limited liability partnership, organization, association, agency or other entity in law or fact.
- (33) Pollution.** The degradation of the chemical, physical, biological, or radiological quality of the environment including the ground, the atmosphere, surface and subsurface waters, including stormwater. Pollution includes but is not limited to changes in temperature, taste, color, turbidity, silt, odor, or such discharges of any liquid, gaseous, solid, or radioactive substance into any ground, surface, or storm runoff waters which will or tends to, either by itself or in connection with any other substance, create a public nuisance or which will or tends to render such waters harmful, detrimental, or injurious to public health, safety, or welfare, or to domestic, industrial, agricultural, recreational, or other legitimate beneficial use or to livestock, wildlife, fish, or other aquatic life or the habitat thereof.
- (34) Pollutant.** Any spoil, waste, residue, sewage, garbage, sludge, munitions, chemicals, biological materials, radioactive materials, heat, rock, sand, dirt, soil, agricultural, municipal, or industrial material discharged to the environment.
- (35) Pretreatment or treatment.** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants to a less harmful state prior to discharge. The reduction or alteration can be obtained by physical, chemical, or biological processes, process changes or other means, except as prohibited by the Director.
- (36) Private collection system.** A privately owned and maintained wastewater or stormwater sewer system normally six or eight inches in diameter, installed on private property.
- (37) Public sewer.** Any sewer in public right-of-way or easement operated and maintained by the City.
- (38) Residential user.** The owner, lessee, or occupant of a single dwelling unit in one structure.
- (39) Sewage.** The wastewater derived from human habitation and use of buildings for domestic, commercial, institutional, or industrial purpose and free from drainage waste.
- (40) Sewer or sanitary sewer.** All sewerage and any and all facilities convenient or necessary to carry away or dispose of sewage.
- (41) Sewer systems.** Any system of conduit, pipes, drainage ways, creeks or other waterways which transports either sanitary waste or drainage waste. Hereafter, the words “sewer” and “drains” shall represent components of a sewer system and have the definitions as provided in this chapter.
- (42) Sewer user.** Any user producing wastewater flowing to a City or private sewer or who has a residence, commercial building, industrial building, or other structure, containing plumbing, requiring connection to a sanitary sewer, situated within 200 feet of an available sewer.
- (43) Single family dwelling.** Any residential building designed to house one family.

- (44) Storm sewer or drain. All conduits, ditches, and all facilities convenient or necessary to carry away and dispose of drainage, surface waste or unpolluted surplus water.
- (45) Unpolluted water. Water to which no sewage, pollutant, or industrial waste has been added, such as uncontaminated non-contact cooling water, rain water, or drainage waste.
- (46) User or users. Any person using the City sanitary sewer system or storm drain system.
- (47) Wastewater. All sewage and industrial wastes, treated or untreated, discharged to a collection system.
- (48) Water user. Any person using water through the facilities of the municipal water system. (Ord No. 40-82; Ord No. 166-82; Ord No. 77-83; Ord No. 158-84; Ord No. 132-85; Ord No. 116-86; Ord No. 65-87; Ord No. 120-87; Ord No. 123-87; Ord No. 27-88; Ord No. 95-88; Ord No. 70-89; Ord No. 91-89; Ord No. 14-96; Ord No. 43-2001; Ord No. 73-07)

73.017. Watershed Protection and Preservation Grants. Subject to council approval of the administrative procedures and grant award criteria, the Director is authorized to develop and administer a grant program for projects that will protect and preserve natural areas as a benefit to Salem watersheds and the stormwater system. (Ord No. 59-2001)

73.020. Connection to Public Sewer System Required.

- (a) Every building containing plumbing, any portion of which is within 200 feet of an available sanitary sewer main and not connected to a private collection system shall be connected to a public sewer main within six months after the owner receives written notice from the Director to do so. For the purposes of this section, notice shall be deemed to have been received three days after mailing the notice by certified or registered mail, addressed to the owner, at the owner's address on file with the tax assessor for the county wherein the property is located.
- (b) The written notice shall not be issued until termination of a deferred assessment on the property under SRC 21.210, if such deferment exists. (Ord No. 40-82; Ord No. 123-87; Ord No. 70-89; Ord No. 4-93; Ord 73-07)

73.025. Procedure upon Failure to Connect. Upon failure of said owner, lessee, or occupant to connect said premises to a public sewer, the Director, after giving said owner, lessee, or occupant an opportunity to be heard, may proceed to connect the premises to a public sewer and the cost thereof shall be charged and become a lien upon said property. (Ord No. 40-82)

73.030. Service Beyond Corporate Limits.

- (a) Any person owning property outside the limits of the City and adjacent to a public sewer maintained by the City who desires connection to the sewer shall make application to the Director for permission to discharge sewage into the public sewer.
- (b) The application shall describe with certainty the point of connection, the property to be served, the size of the building to be served and the use thereof, the name of the owner of the property or the person in possession thereof, the quantity of discharge, and such other information as may be required by the council. Such application shall also be accompanied by a properly executed petition and consent for annexation, directed to the City, of the property described in the application.
- (c) The council shall consider the application and may either grant or reject the same, and if it be granted, the same shall constitute an agreement by the applicant to abide by all the terms of this section and all the rules, rates, and regulations prescribed by the council by resolution or otherwise.
- (d) Rates for county sewer service districts shall be established in accordance with any agreements that may be entered into for that service. (Ord No. 40-82; Ord No. 70-89)

73.032. Temporary Service Connections.

(a) In certain instances where, in the judgment of the Director, construction of a public sewer to serve a given piece of property is not advisable or feasible, sewer service may be provided by a temporary connection to some other sewer, pending construction of a permanent public sewer to serve the property.

(b) The applicant shall be required to pay a connection fee in lieu of assessment as provided by SRC 21.230 prior to permit issuance. (Ord No. 53-87)

73.050. Permits and Fees.

(a) Building sanitary and storm sewer. A sewer connection permit shall be required prior to commencement of construction of building sanitary or storm sewers. A separate permit shall be required for each building or connection made to a public or private sewer. The Director may approve the application if the proposed work meets current City standards. Upon the Director's approval of the application and associated set of plans for the proposed work, the City shall issue a permit which shall specify the location where the connection shall be made, the manner of making the connection, the nature of the waste to be discharged to the sewer, the name and address of the owner, and the name of the installer who will be doing the work. No permit shall be issued unless the sewer to which connection is requested has been accepted as a part of the public or private sewer system. No permit shall be issued unless the applicant provides a current registration number from the State of Oregon Builders Board, Department of Commerce, or a current license number from the Department of Environmental Quality. The only exception shall be for the owner-builder applicant who performs the actual physical labor. No permit shall be issued if there are unpaid connection fees or delinquent assessments outstanding, as provided in SRC Chapter 21.

(b) Industrial, permitted and commercial, and institutional users. Industrial, permitted commercial, and institutional users shall not use the public sewer for the discharge of industrial or any other wastes either directly or indirectly without first obtaining an industrial wastewater discharge permit as provided in SRC 74.220.

(c) Street opening permit. Applicants for permits to construct, repair, or reconstruct any public sewer or storm drain must conform with the provisions of SRC 81.010 - 81.110, regulating and requiring permits for making cuts or excavations in, on, or under streets and alleys.

(d) Tapping of sewer lines. If no wye or building sanitary or storm sewer is available, connection must be made by tapping the sewer main. Sanitary and storm sewers shall not be interconnected. Tapping will be done only by the City. The applicant will make the excavation and provide a safe trench in which to work. A fee for tapping sanitary or storm sewer mains shall be paid as set forth in SRC 73.055 and is in addition to the sewer connection permit fee.

(e) Tapping of manhole. If determined to be necessary by the Director, a building sanitary and storm sewer may be connected to the public sewer main by tapping the manhole indicated by the Director. Except as provided in SRC 73.090, tapping will be done only by the City. The applicant will make the excavation and provide a safe trench in which to work. A fee for tapping manholes shall be paid as set forth in SRC 73.055 and is in addition to the connection fee.

(f) Sewer cap permit. A building storm or sanitary sewer cap permit and evidence that a sewer has been properly capped is required before a demolition or moving permit shall be issued. All work shall be completed in accordance with SRC 73.105.

(g) Sewer repair permit. Every instance of repair or reconstruction of a building sanitary or storm sewer will require a sewer repair permit.

(h) Parking lot storm sewer permit. A parking lot storm sewer permit shall be required prior to commencement of construction of a parking lot storm sewer. A separate application and permit shall be required for each connection of a parking lot storm sewer system to an approved point of disposal. The Director may approve the application if the proposed work meets current City standards. Upon the Director's approval of the application and receipt of a set of plans for the proposed work, the City shall issue a permit which will specify the location the connection shall be made, the manner of making the connection, the name and address of the owner, and the name of

the installer who will do the work. No permit will be issued unless the sewer to which connection is requested has been accepted as a part of the public or private sewer system.

(i) Permit fees, time of payment. All permit fees provided for in SRC 73.055 shall be paid prior to the issuance of any permit and prior to the commencement of any work for which a permit is required.

The fee for obtaining a permit to perform work commenced prior to payment of the permit fee shall be twice the applicable fee as set forth in SRC 73.055.

(j) Stop work order. Whenever any sewer work is being done contrary to this Code, the Director may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Director to proceed with the work. (Ord No. 40-82; Ord No. 92-83; Ord No. 47-84; Ord No. 128-84; Ord No. 70-89; Ord No. 73-07)

73.055. Permit and Service Fees. Each application for a permit or City service as required by this chapter shall be accompanied by a fee as prescribed by resolution of the council. (Ord No. 40-82; Ord No. 47-84; Ord No. 128-84; Ord No. 69-89; Ord No. 51-91; Ord No. 51-96)

73.060. Approval of Plans. Plans for all public and private sewer systems shall be reviewed and approved by the Director prior to construction. Such plans shall conform to the respective Wastewater or Stormwater Master Plan and standards prescribed by the Director. Such approval shall be required in addition to any other approval required by state law. (Ord No. 40-82; Ord No. 73-07)

73.065. Common Sewer. The drainage system of each new building using an existing sewer shall be separate and independent from that of any other building. Every building shall have an independent connection with a public or private collection system. (Ord No. 40-82)

73.070. Existing Private Wastewater Collection Systems.

(a) When property being served by a private collection system is divided into two or more parcels with different ownership or the same ownership:

(1) The private wastewater collection system may be transferred to the public system with the consent of the Director and provided the private collection system meets the current City standards, or;

(2) The private collection system shall be reconstructed to meet the current City standards, or;

(3) Individual sewer service connections to the public main will be provided by the private collection system owner.

(b) All private collection systems shall have a monitoring structure installed at its junction with the public right-of-way as required by the Director. (Ord No. 40-82; Ord. No. 70-89)

73.075. Sanitary Sewer and Stormwater Conveyance Construction to Conform to Standards. All public or private sanitary and storm sewer systems, whether publicly or privately constructed, shall conform to standards of design, materials, and workmanship prescribed by the Director. Failure to meet tests for water-tightness shall be grounds for refusal of acceptance. Permits to connect to such sewers will not be issued until the system is approved and accepted. (Ord No. 40-82; Ord No. 70-89; Ord No. 73-07)

73.080. Inspection, Approval of Construction.

(a) Reasonable notice shall be given to the Director to inspect all work in connection with the construction or reconstruction of any storm drain or public sewer or connection thereof to a City sewer main while the work is still uncovered. In the event the piping is backfilled, it shall be sufficiently exposed so an inspection may be made. All work shall be done according to the standards of design, materials, and workmanship prescribed by, and subject to the approval of, the Director.

- (b) Use of the public sewer will not be allowed until the building sewer and/or the public improvement receives final approval from the Director.
- (c) All new building sanitary sewers shall be tested for water-tightness either by low air pressure or hydrostatically. The test shall last 15 minutes and shall have no loss in either method. Minimum test pressure shall be 3.5 pounds per square inch in either method. When tested, existing building sanitary sewers shall be tested for water-tightness in the same manner as new building sanitary sewers except that a 50 percent loss of pressure will be allowed in the 15-minute test. (Ord No. 40-82;Ord No. 70-89)

73.085. Connection to Sanitary or Storm Sewer Mains or Laterals. Sanitary or storm sewer connections shall be made only to the single wye branch in the lateral sewer for which the connection is designated. If no wye is available, connection shall be made by tapping the sewer main. Tapping of public sanitary or storm sewers shall be done only by the City. No person shall interfere in any manner or tamper with such pipes or connections, without having first obtained the written consent of the Director. The applicant shall obtain the necessary permits, make the necessary excavation, and provide a safe trench in which the work can be accomplished. (Ord No. 40-82;Ord No. 70-89; Ord No. 73-07)

73.087. Extension of Municipal Sewer Systems by Private Developers. A developer may qualify for reimbursement for extension of municipal sewers by meeting all of the requirements applicable to the extension of water systems by developers under the provisions of SRC 72.067 to 72.086. (Ord No. 68-90)

73.090. Tapping of Manholes. Tapping of building sanitary and storm sewers directly into manholes is prohibited except:

- (a) Where provided for in original design and approved by the Director, or;
- (b) When allowed by written permission of the Director because no other course is practical. (Ord No. 40-82; Ord No. 70-89)

73.095. Responsibility for Building Sanitary Sewer.

- (a) It shall be the responsibility of the owner, lessee, or occupant of a building to maintain said building sanitary sewer or private collection system in a free flowing and watertight condition, from the structure served to the point of connection on the public sewer main.
- (b) When the City contracts for a sanitary sewer reconstruction, replacement or rehabilitation project or when a property owner voluntarily participates in a City positive protection program to prevent basement flooding from sanitary sewer backups by modifying existing house plumbing, the City will replace any building sanitary sewer from the building drain to the public sewer found defective in accordance with SRC 73.100. In the event the property owner does not permit the City to perform the above-mentioned work, the City will require the property owner to test the building sewer from the building drain to the property line within one year of the contract project completion with the method described in SRC 73.080. If the building sanitary sewer is found defective in accordance with SRC 73.100, the owner shall immediately proceed to replace the building sewer at the owner's expense.
- (c) Subject to council approval of the administrative procedures and grant award criteria, the Director is authorized to develop and administer a grant program for the restoration or replacement of building sanitary sewers from building drains to public sewers. (Ord No. 40-82; Ord No. 70-89; Ord No. 44-97; Ord No. 43-2001)

73.100. Infiltration and Inflow Limitations; Private Sewers and Building Sanitary Sewers.

- (a) New and existing private and building sewers will be monitored for leaks or discharges of extraneous water. This monitoring may take, but is not limited to, the following forms:
 - (1) Direct visual observation;
 - (2) Indirect measurement;
 - (3) Television inspection; or

- (4) Air or water pressure tests, smoke tests, or exfiltration tests.
- (b) If, in the opinion of the Director, monitoring shows a private or building sanitary sewer to be defective, the Director may require the sewer be replaced to current City standards. Replacement shall be required if:
 - (1) The sanitary sewer service fails a tightness test as described in SRC 73.080; or,
 - (2) Existing pipe material, condition or installation is found unacceptable by the Director.
- (c) If the responsible user disputes the Director's requirement that the sewer be replaced, the user may test the service at the user's own expense. The results of the test will be the basis of the Director's final decision.
- (d) All new construction of private sewer systems including single family dwellings, shall conform to the UPC Sec. 318.
- (e) All existing private sanitary sewer collection systems shall be maintained in a safe and sanitary condition.
Existing private sanitary sewer systems exceeding a maximum allowable infiltration/inflow rate of more than 300 gallons per day per single detached living unit or 1,200 gallons per acre per day are deemed unsafe and unsanitary and shall be repaired.
- (f) Those users of systems identified in subsection (e) of this section who do not comply with the infiltration/inflow regulations shall have a period of time as determined by the Director, but not to exceed 12 months to reach compliance with the regulations. (Ord No. 40-82; Ord No. 70-89; Ord No. 73-07)

73.105. Capping Abandoned Sewers Required.

- (a) Before the moving or wrecking permit is allowed to be issued, evidence must be presented showing the sewer has been properly capped and inspected. No exceptions will be allowed.
- (b) All building sanitary sewers shall be capped at the property line in an approved manner by the applicant or his contractor and inspected by City forces prior to closure of the excavation. The City will chemically seal the sewer service line at the main. The permit fee will cover the inspection and the chemical sealing cost.
- (c) It is the applicant's responsibility to ensure that no other structure is connected to the sewer service being abandoned. If the line abandoned is serving more than one structure, a service connection for the structure(s) still using the service must be provided.
- (d) If a sewer service is to be reused, adequate proof must be shown to the Director that the service is in usable condition. If the service line is allowed to be reused, a temporary plug is required on the service line. (Ord No. 40-82; Ord No. 128-84)

73.110. Abandonment of Septic Tanks. In every instance in which use of a septic tank or cesspool is discontinued upon connection of plumbing facilities to a public or private sewer, the septic tank or cesspool shall be pumped out and emptied of sewage and sludge and refilled with clean sand or gravel. (Ord No. 40-82)

73.125. Water Not Reaching Sewer. Water supplied to any commercial user which is not discharged to a public sewer may be separated from other uses in the establishment and supplied by a separate water meter. The water account for such service shall not carry with it a sewer charge if such water is clearly not discharged to a public sewer. Internal metering within the establishment for the purpose of separating uses will not be recognized. (Ord No. 40-82)

73.140. Industrial Rates. Industrial billing shall be based on the wastewater characteristics of the use. Opening bills shall be based on estimated flow and characteristics based on past experience with the type of waste discharged, the information supplied on the sewer use permit, and such additional information as may be available to the Director. (Ord No. 31-09)

73.160. Discharges to Stormwater System.

- (a) Discharges allowed to enter the stormwater system are those permitted in the connection permit consisting of unpolluted drainage waste.
- (b) No person shall cause pollution of any waters of the state or cause any waste to be placed in a location where such wastes are likely to escape or be carried into the stormwater system and by the stormwater system into the waters of the state.
- (c) No person shall discharge any material into the stormwater system which may cause pollution. (Ord No. 40-82; Ord No. 14-96; Ord No. 73-07)

73.165. Discharges to the Environment.

- (a) No person shall discharge any sewage, domestic or industrial waste, pollutant, or hazardous material, to the environment.
- (b) Dischargers shall notify the Director immediately upon discharging material in violation of this or other applicable sections of this Code to enable countermeasures to be taken to minimize damage to the environment. Notification of the Director does not absolve the discharger of their responsibility to notify state and federal agencies under state and federal programs.
- (c) Above ground chemical tanks shall be protected by approved methods to prevent accidental discharge to sewers or the environment. All below ground tanks shall be installed in accordance with ORS Chapter 539.
- (d) When dikes or impounding basins are used to contain chemicals, impervious materials shall be used to provide a liquid tight enclosure.
- (e) The party responsible for the discharge of hazardous materials or pollutants to the environment shall be responsible for all clean up costs. The City's costs during the emergency for identification, hazard assessment, and containment will also be reimbursed.
- (f) The Director may require clean up at such incidents as:
 - (1) Illegal disposal of hazardous materials or pollutants.
 - (2) Improper handling of hazardous materials or pollutants at any site.
 - (3) Spills of hazardous materials or pollutants to the environment.
 - (4) Discharge of hazardous materials or pollutants during a fire or other accident.
- (g) In general, reimbursement costs are those incident costs that are eligible, reasonable, necessary, and allocable to the incident. Costs allowable for reimbursement may include, but are not limited to (hereafter referred to as the response):
 - (1) Disposable materials and supplies provided, consumed, and expended specifically for the purpose of the response for which reimbursement is being requested.
 - (2) Compensation of the employees for the time and efforts devoted specifically to the response.
 - (3) Rental or leasing of equipment used specifically for the response.
 - (4) Replacement costs for equipment owned by the City that is contaminated beyond reuse or repair.
 - (5) Decontamination of equipment that was used during the response.
 - (6) Special technical service specifically required for the response.
 - (7) Other special services specifically required for the response.
 - (8) Laboratory costs for the purpose of analyzing samples taken during the response.(Ord No. 40-82; Ord No. 70-89; Ord No. 14-96)

73.170. Connection of Drainage Waste and Cooling Water Prohibited. Notwithstanding any other provision of this Code, it shall be unlawful for any person to knowingly cause, suffer, or permit the continuance of any condition whereby any drainage waste or noncontaminated cooling water may at any time be discharged into or enter any public sanitary sewer from property of which he is either the owner or person in possession. (Ord No. 40-82)

73.175. Disposal of Septic Tank Wastes. All septic tank waste shall be discharged at the City's designated disposal site and shall be done under the control and supervision of the City. (Ord No. 40-82; Ord No. 14-96)

73.180. Connections Prohibited. Any direct or indirect connection or entry point for persistent, deleterious, or hazardous waste or material to the user's plumbing or drainage system or to the storm drainage system shall be prohibited. (Ord No. 40-82)

73.185. Accidental Discharges and Spill Prevention Plans.

(a) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. An accidental spill prevention plan (ASPP) showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction of the facility and implementation of procedures. The City shall determine which user is required to develop an ASPP and require said user to submit the ASPP within 60 days after notification by the City. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately notify the Director of the incident by telephone or other means. The notification shall include location of discharge, type of waste, concentration, volume, and corrective actions.

(b) Within five days following an accidental discharge, the user shall submit to the Director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to sewers or to the environment, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law. (Ord No. 40-82; Ord No. 70-89; Ord No. 14-96)

73.190. Compliance Schedule. Following a release to the environment, the Director may require the discharger to submit a compliance schedule. This schedule will be a detailed outline of actions to be taken to correct, clean, mediate, or restore the environment, structures, or property harmed by the release. The schedule will also address measures to prevent recurrence of the problem. The following conditions shall apply to this schedule:

(a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the user meeting applicable standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction).

(b) No increment referred to in paragraph (a) shall exceed nine months.

(c) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the Director.

(d) Any other information as may be deemed by the City to be necessary to evaluate the schedule. The schedule shall be signed by an executive officer and, when required by the City, a qualified engineer, where applicable.

Within 30 days after full evaluation and acceptance of the data furnished, the City shall notify the user of the City's acceptance or rejection thereof. (Ord No. 40-82; Ord No. 70-89; Ord No. 14-96)

73.240. Harmful Discharges.

(a) The City may suspend the stormwater service when such suspension is necessary, in the opinion of the Director, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial threat to the health or welfare of persons, or to the environment.

(b) Any person notified of a suspension of the service shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Director shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the sewer system or endangerment to any individual or the environment. The Director shall reinstate the service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful discharge and the measures taken to prevent any future occurrence shall be submitted to the Director within 5 days of the date of occurrence. (Ord No. 40-82; Ord No. 14-96)

73.250. General Requirements.

(a) Streams within the City of Salem’s stormwater management service area that have been, or may be, identified as “water quality limited” by DEQ will be subject to DEQ Total Maximum Daily Load (TMDL) regulations at a future date. At such times as DEQ adopts TMDL regulations, water quality limited streams and stormwater systems contributing to the water quality limited streams will be the subject of additional evaluation by the Director to ensure compliance with the City’s NPDES MS4 Permit. The DEQ regulatory programs associated with the water quality limited streams and NPDES MS4 Permit and TMDL Implementation Plan requirements will prescribe specific site and stormwater management design, construction, and post-construction considerations and measures to address stormwater quantity and quality. To ensure stormwater quantity and quality, no person shall make any new connection or modify any existing connection to the City’s stormwater system without first obtaining the City’s written approval of construction plans in accordance with SRC 77.091 and the issuance of the permits required by SRC 77.090. Construction plans shall conform to the City’s applicable Design Standards For Stormwater Management prescribed by the Director pursuant to SRC 70.050

(b) All discharges into the City’s stormwater system shall comply with the more stringent of any local, state, or federal requirement. (Ord No. 73-07)

73.255. Treatment Required. Users shall provide necessary stormwater treatment as required to comply with this Chapter, and shall achieve compliance with all standards within the time limitations as specified by state or federal regulations. Any facilities required to treat stormwater drainage to a level acceptable to the City shall be provided, operated, and maintained at the user's expense. Detailed plans showing the - treatment facilities and operating procedures shall be submitted to the City for review, and must be deemed acceptable to the City before construction of the facility. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this Chapter, or any applicable state or federal regulations. Any subsequent changes in the treatment facilities or method of operation shall be reported to and be approved by the Director prior to the initiation of the changes. (Ord No. 40-82; Ord No. 14-96; Ord No. 73-07)

73.260. Mill Creek Industrial Park Stormwater Management Requirements.

(a) The requirements of this section shall be applicable to that certain land located within the corporate limits of the City of Salem south of Highway 22 and east of Kuebler Boulevard, designated “Employment Center” pursuant to SRC Chapter 161, and commonly known as “The Mill Creek Industrial Park” (MCIP).

(b) All development within the MCIP shall be in accordance with the provisions of this Chapter, and shall include stormwater management for both quantity and quality. Site-specific stormwater management requirements, in conformance with the City’s Standards for Stormwater

Management, shall be developed to address quantity and quality of stormwater that will enter the wetlands located within the MCIP and subject to the Section 404 Permit No. 200400803-2 issued to the State of Oregon Department of Administrative Services by the U.S. Army Corps of Engineers (COE) and the Oregon Department of State Lands (DSL) for development occurring within the MCIP, and to address the quantity and quality of water entering the water quality limited streams known as Mill Creek and the Little Pudding River from the wetlands and from development occurring within the MCIP.

(c) No person shall construct any improvements within the MCIP, or make any new connection or modify any existing connection to the City's stormwater system from within the MCIP, without first obtaining the City's written approval of construction plans in accordance with SRC 77.091 and the associated permits required by SRC 77.090. Construction plans shall conform to the City's Design Standards for Stormwater Management as prescribed by the Director pursuant to SRC 70.050. (Ord No. 73-07)

73.287. Issuance of Cease and Desist Orders.

(a) When the Director finds that a spill or discharge has taken place, or is threatening to take place, in violation of prohibitions or limitations of this chapter, the Director may issue an order to cease and desist, and direct that those persons not complying with such prohibitions, limits, requirements, or provisions to:

(1) Comply forthwith; or

(2) Comply in accordance with a time schedule set forth by the Director.

(b) When the affected user fails to comply with an order to cease and desist, the Director may, when a violation is occurring or has a high probability of occurring, enter the premise and block the flow of drainage waste or turn off at the meter all affected City water. Whenever a premise has been disconnected from the City's water or sewerage system for a violation hereof, reconnection of said premise shall be in accordance with City regulations.

(c) The affected user may appeal in accordance with SRC 73.294. (Ord No. 70-89; Ord No. 14-96)

73.291. Damage to the Storm Water System.

(a) When a discharge causes an obstruction, damage, or other impairment to the stormwater system, or could result in a violation of the City's NPDES MS4 Permit, the Director may charge the user for the work required to be undertaken to clean or repair the stormwater system and place the system in a good and properly functioning condition. The service charge shall be added to the user's wastewater treatment charges. Notice of imposition of the charge shall be made to the user, in writing, not more than thirty days after the stormwater system is placed in good and properly functioning condition.

(b) The affected user may appeal the charge within ten days of the notice provided pursuant to subsection (a) of this section, as provided in SRC 73.294. (Ord No. 70-89; Ord No. 14-96; Ord No. 73-07)

73.294. Appeals.

(a) Any user affected by any decision, action, or determination, including cease and desist orders, made by the Director, interpreting or implementing the provisions of this chapter, may file with the Director a written request for reconsideration within ten days of such decision, action, or determination setting forth in detail the facts supporting the user's request for reconsideration. If the ruling made by the Director is unsatisfactory to the person requesting reconsideration, the user may, within ten days after notification of the Director's decision, file a written appeal to the council. The council shall, within 30 days after receipt of said written notice of appeal, upon proper notice hold a hearing to make a final determination of the issue submitted.

(b) The Director's decision, action, or determination shall remain in effect during such period of reconsideration. (Ord No. 70-89; Ord No. 14-96; Ord No. 51-96)

73.295. Falsifying Information. Any person who knowingly makes any false statements, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction, be punished as established by this chapter. (Ord No. 40-82; Ord No. 14-96)

73.300. Civil Penalties. Any user who is found to have violated an order of the council, or who wilfully or negligently failed to comply with any provision of this chapter, and the orders, rules, and regulations issued hereunder, shall forfeit and pay not more than \$1,000 for each offense as determined by the council. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. (Ord No. 40-82; Ord No. 14-96; Ord No. 51-96)

73.305. Violations. Violation of any provision of this chapter, in addition to any civil forfeitures, shall be an infraction. (Ord No. 40-82)

73.310. Severability. If any provision, paragraph, word, section, or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.