PUBLIC SERVICES DEPARTMENT
CHAPTER 24: SEWER ORDINANCE
RULES AND REGULATIONS
ENFORCEMENT RESPONSE PLAN
Revised: July 1, 2011

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Chapter 24  SEWERS*

*Cross reference(s)—Buildings and building regulations, Ch. 6; disposal of wastes by food service establishments, § 11-26; land use, Ch. 14; streets, sidewalks and other public places, Ch. 25.

State law reference(s)—Sewers and drains, 30 M.R.S.A. § 4351 et seq.

ARTICLE I. IN GENERAL

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ARTICLE II. SEWER CONSTRUCTION

Sec. 24-16. Accepted streets.

When any person owning properly on an accepted street shall petition for the construction of a sewer in the street, such sewer may be constructed under one (1) of the following arrangements at the option of the petitioner, subject to the approval of the public
services authority:

(a) Upon authorization by the city council, the sewer shall be constructed by the city, the cost of a sanitary, combined or interceptor sewer to be recovered in part as hereinafter provided; or

(b) The petitioner may cause the sewer to be built to the specifications of the public services authority and under his or her supervision, with or without regard to competitive bids. Upon completion of the sewer, the city shall be reimbursed in full for its costs, including engineering and inspection, and the sewer shall be deeded to the city as a public sewer at no cost to the city.

(Code 1968, § 704.1; Ord. No. 101-81, §§ 1-3, 9-21-81)

Sec. 24-17. Dedicated streets.

When any person owning property on a street, which prior to July 7, 1948, has been dedicated, constructed and used for public travel but has not been accepted by the city, shall petition for the construction of a sewer in the street, such sewer may be constructed under one (1) of the following arrangements at the option of the petitioner, subject to the approval of the public services authority:

(a) Upon authorization by the city council, the sewer shall be constructed by the city, the cost of a sanitary, combined or interceptor sewer to be recovered in part as hereinafter provided; or

(b) The petitioner may cause the sewer to be built to the specifications of the public services authority and under his or her supervision, with or without regard to competitive bids. Upon completion of the sewer, the city shall be reimbursed in full for its costs, including engineering and inspection, and at such time as the street is accepted by the city, the sewer shall be deeded to the city as a public sewer at no cost to the city.

(Code 1968, § 704.2; Ord. No. 101-81, §§ 4, 5, 9-21-81)

Sec. 24-18. Initiative of city council.

The city council may, on its own initiative and without petition therefor, authorize construction by the city of sewers in accepted and dedicated-but-unaccepted streets, the cost of a
sanitary, combined or interceptor sewer to be recovered in part as hereinafter provided.
(Ord. No. 101-81, § 6, 9-21-81)

Sec. 24-19. Costs.

(a) A charge is hereby established for the connection heretofore or hereafter of any property to a sanitary, combined or interceptor sewer constructed by the city or the Portland Water District and completed on or after January 1, 1978. Such charge shall be due and payable upon application for a connection permit as provided in section 24-39, and except for connections made before November 15, 1981, shall be in lieu of all other charges related thereto, including the fee for the connection permit and street and sidewalk opening charges as provided in section 25-156, provided that connection is made in accordance with article III of this chapter. This section shall not apply to any property assessed for the cost of sewer construction according to law.

(b) For any such sewer completed heretofore, the charge shall be two hundred dollars ($200.00) per each connection made heretofore or hereafter but before November 15, 1981, and one thousand dollars ($1,000.00) per each such connection made thereafter.

(c) For any such sewer completed hereafter, the charge shall be two thousand dollars ($2,000.00) per each such connection, provided that the city council may, from time to time, by order readjust the charge according to the then-prevailing cost of sewer construction and the anticipated number of such connections.
(Ord. No. 101-81, § 7, 9-21-81)

Cross reference(s)—Uniform procedure for collecting assessments, § 1-16.
ARTICLE III. SEWER USE REGULATIONS*

*Editor's note--Ord. No. 263-96, passed May 20, 1996, amended this article in its entirety, in effect repealing the former provisions and enacting similar new provisions as herein set out. Formerly, such provisions pertained to sewer use regulations, consisted of substantive §§ 24-31--24-60, and derived from §§ 309.1--309.29 of the 1968 Code, as amended by the following legislation:

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Sec. 24-31. Scope.

The provisions of this article shall apply to and govern all types of buildings requiring sanitary facilities; the excavation, construction, installation, usage, maintenance, extension, alteration, repair or removal of any building sewer, building storm drain, sanitary sewer system, or storm drainage or sewer system; the connection of building sewers and building storm drains to sanitary sewer systems, storm drainage systems or combined sewers; the types of wastes or wastewaters prohibited from public sewers and storm drainage systems; permitted and prohibited concentrations and strengths of wastewater; and situations in which use of a private sewage disposal system is permissible.

(Ord. No. 263-96, 5-20-96)

Sec. 24-32. Intent and purpose.

(a) It shall be the intent and purpose of this article to eliminate existing pollution, and to prevent further pollution...
caused by inadequate wastewater disposal, and to accomplish the necessary local legislation to meet the pollution abatement schedule for the Portland Regional Wastewater Plan established by the state and the federal government. All this is in furtherance of the health, welfare, comfort and convenience of the inhabitants of the city.

(b) Whereas the Portland Water District has been designated by state legislative action and local public referendum as the regional agency responsible for interception and wastewater treatment, and is the owner and operator of the POTW treatment plant, none of the provisions of this article shall be construed to repeal or otherwise interfere with the rights, duties or powers granted to the Portland Water District pursuant to Chapter 433 of the private and special laws of the State of Maine of 1907, as amended.

(Ord. No. 263-96, 5-20-96)

Sec. 24-32.1. Administration.

(a) The director of the public services authority shall establish rules and regulations governing the availability and use of city wastewater collection and treatment facilities. The rules and regulations shall be consistent with federal law and ordinances. Said rules shall be enacted in conjunction with the Portland Water District prior to enactment.

(b) The rules shall be enacted in the same manner as the rules for solid waste disposal are promulgated, prescribed in section 12-105(b) and (b.1) of this Code, with the exception that the rules will go into effect twenty (20) days after enactment by the director unless stayed by action of the city council. Proposed rules shall be delivered to the council as a communication prior to enactment.

(Ord. No. 263-96, 5-20-96)

Sec. 24-33. Enforcing officer.

The public services authority or the Portland Water District as agent for the city and at the request of the public services authority, shall administer and enforce the provisions of this article.

(Ord. No. 263-96, 5-20-96)

Sec. 24-34. Definitions.
For the purposes of this article, all words shall have their normal meanings and such meanings as may be in common use in the field of sanitation and wastewater treatment. Certain words are more particularly defined. For the purposes of this article, the term:

*Act* shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, U.S.C. § 1251 et seq., 86 Stat. 816, PL 92-500 and the regulations promulgated thereunder, as amended from time to time.

*B.O.D.* (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius, expressed in milligrams per liter.

*Building* shall mean a structure built, erected and framed of component structural parts designed for the housing, shelter, enclosure or support of persons, animals or property of any kind.

*Building drain* shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, which begins eight (8) feet outside the outer face of the building wall.

*Building sewer* shall mean the extension from the building drain to the public sewer or other place of disposal.

*Categorical industrial user* shall mean an industrial user subject to national categorical pretreatment standards.

*Caustic alkalinity* (hydroxide alkalinity) shall mean a measure of the capacity of wastewater, which exhibits a pH of greater than or equal to 8.3, to neutralize acids.

*Combined sewer* shall mean a sewer receiving both surface runoff and wastewater.

*C.O.D.* (chemical oxygen demand) shall mean the measure of the oxygen required for oxidation of the organic matter in a sample that can be oxidized by a strong chemical oxidizing agent under standard laboratory procedure.

*District* shall mean the Portland Water District, a quasi-municipal corporation existing pursuant to Chapter 84 of the
Domestic wastewater shall mean the liquid wastes and liquid borne wastes discharged from the sanitary conveniences such as toilets, washrooms, urinals, sinks, showers, drinking fountains, home laundry rooms, kitchens, and floor drains essentially free of industrial wastes or toxic materials.

F.O.G. shall mean the measure of fats, wax, grease and oils (other than petroleum based materials).

Garbage shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food and produce, and from the handling, storage and sale of food and produce.

Incompatible pollutant is defined as any pollutant other than biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria or additional pollutants identified in the POTW's NPDES permit to discharge, which the POTW was not designed to treat and does not remove to a substantial degree or may be toxic to the POTW or receiving water.

Industrial user shall mean a source of indirect discharge or any source which discharges industrial waste to the facility.

Industrial waste shall mean any liquid, gaseous, or solid waste substance, or a combination thereof, resulting from any process of industry, manufacturing, trade, or business or from the development or recovery of any natural resources.

Interceptor sewer shall mean a large sewer used to intercept a number of main or trunk sewers and convey wastewater to treatment or other disposal facilities.

Interference means a discharge which, alone or in conjunction with discharges from other sources, inhibits or disrupts the facility, its treatment processes or operations, or its sludge processes, use or disposal, and which is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation), or of the prevention of wastewater sludge use or disposal by the facility in accordance with applicable federal, state, or local statutes and regulations or permits issued thereunder, as set forth in 40 CFR 403.3(i).
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Private sewer system shall mean any sewer system within the

mg/l shall mean milligrams per liter.

National categorical pretreatment standard shall mean any
regulations containing pollutant discharge limits promulgated by
EPA in accordance with § 307(b) and (c) of the act, which apply to
a specific category of industrial users and which are found in 40
CFR Chapter I, Subchapter N, Parts 405 through 471.

National pollutant discharge elimination system or NPDES
permit shall mean a permit issued pursuant to § 402 of the act, 33
USC § 1342, and M.R.S.A. Title 38, § 414-A.

Natural outlet shall mean any outlet into a watercourse, pond,
ditch, lake or other body of surface or groundwater.

pH shall mean the logarithm (base 10) of the reciprocal of the
concentration of hydrogen ions in a solution expressed as standards
units.

POTW (publicly owned treatment works) ("facility") shall mean
the treatment works, as defined by § 212 of the act, operated by
the Portland Water District. This definition includes any devices
and systems used in the storage, treatment, recycling, disposal,
and reclamation of wastewater consisting of domestic, commercial,
municipal, and industrial wastes of a liquid nature. It also
includes those sewers, pipes, pump stations and other conveyances
which convey wastewater to the facility and may be owned by the
city. For the purposes of this article, POTW shall also include any
sewers that convey wastewater to the treatment works from persons
who are, by permit, contract, or agreement with the city, users of
the facility.

POTW treatment plant shall mean that portion of the facility
designed to provide treatment (including recycling and reclamation)
of wastewater, municipal wastewater, industrial waste, septage and
holding water and other trucked-in wastes as allowed under the
provisions of this article.

Private wastewater disposal system shall mean a treatment tank
with the effluent discharging into a subsurface absorption area, or
such other facilities as may be permitted under the procedures set
forth in rules and regulations adopted by the state department of
health and welfare pursuant to 22 M.R.S.A. § 42(3), and the city's
plumbing code.

Private sewer system shall mean any sewer system within the
city not owned by or being constructed by a public authority.

PRIVATE WASTEWATER TREATMENT WORKS

Private wastewater treatment works shall mean all facilities other than private sewage disposal systems for treating and disposing of wastewater within the city not owned by a public authority. Private wastewater treatment works shall be distinct from private wastewater disposal systems as the effluent is discharged directly into surface water bodies. Private wastewater treatment works shall be licensed by the state department of environmental protection, in accordance with the provisions of 38 M.R.S.A. §§ 413, 414.

PROPERLY SHREDDED GARBAGE

Properly shredded garbage shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

PUBLIC SEWER

Public sewer shall mean a common sewer directly owned, operated or controlled by the city or the Portland Water District.

SANITARY SEWER

Sanitary sewer shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

SEWER

Sewer shall mean a pipe or conduit for carrying wastewater.

SIGNIFICANT INDUSTRIAL USER

Significant industrial user shall mean any industrial user subject to categorical pretreatment standards, and any other industrial user that discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the facility (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the city on the basis that the industrial user has a reasonable potential for adversely affecting the facility's operation or for violating any pretreatment standard or requirement; provided, however, that upon a finding that an industrial user meeting the foregoing criteria has no reasonable potential for violating any pretreatment standard or requirement or for adversely affecting the facility's operation, the city may, at any time, upon its own initiative or in response to a petition
received from an industrial user, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

_Slug_ shall mean any discharge of nonroutine, episodic nature, including, but not limited to, an accidental spill, noncustomary batch discharge, or any discharge of wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentration or flow rate during normal operation or which may adversely affect the POTW.

_Storm drain or storm sewer_ shall mean a sewer for conveying rainwater, groundwater, subsurface water, condensate, cooling water or other similar discharge but which excludes wastewater and polluted industrial wastes.

_Total suspended solids (TSS)_ shall mean the total suspended matter that floats on the surface of, or is suspended in water, wastewater, or other liquids, and which is removable by laboratory filtration.

_Wastewater_ shall mean a combination of the liquid and the water-carried wastes from residences, commercial buildings, institutions and industrial establishments, together with such ground, surface and stormwaters as may be present.

_Watercourse_ shall mean a channel in which a flow of water occurs, either continuously or intermittently on a natural basis.

_Westbrook Inter-Municipal Sewer Service Area_ shall mean the Domestic and sanitary sewage and waste water from the Riverside Street/Warren Avenue/Forest Avenue vicinity of Portland as defined on the plan to the Rules and Regulations enacted by the Public Services Authority, and on file in the Department of Public Services, intercepted by the District and delivered to the existing Westbrook Gorham Regional Treatment Plant for treatment. (Ord. No. 263-96, 5-20-96; Ord. No. 97-03/04, 12-17-03)

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Cross reference(s)—Definitions and rules of construction generally, § 1-2.

Reference—Council Order 54-02/03 § An Order Authorizing Three-Party Sewer Service Agreement with Portland Water District and City of Westbrook).

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Sec. 24-35. Sanitary facilities required.

Every building intended for human habitation, occupancy, employment, recreation or other purposes, situated within the city shall be provided with suitable and sufficient sanitary facilities for the use of the occupants thereof, which facilities in character, number and method of installation shall comply with all health laws of the state, ordinances of the city, and rules and regulations of the state bureau of health so far as the same are compatible and not inconsistent.

(Ord. No. 263-96, 5-20-96)

Sec. 24-36. Connection to public sewer required.

The owner of any building used for human habitation, occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is located a public sanitary, combined or interceptor sewer, is hereby required at his expense to connect the building drainage system in the most direct manner possible with the proper public sewer in accordance with the provisions of this article, provided that the public sewer is within two hundred (200) feet of the building (the two hundred (200) feet to be measured in such manner so as not to pass over any property owned privately by anyone other than the owner of the premises from which such measurement is being made). Any required compliance with this section shall be completed within one (1) year after the date of official notice to do so.

(Ord. No. 263-96, 5-20-96)

Sec. 24-37. Exception for private wastewater system.

Where the public sewer does not extend to within two hundred (200) feet distant from the nearest point of the building (measured as described in section 24-36), the public sewer shall, at such time, be classified as inaccessible with regard to such premises. Where the public sewers are inaccessible to premises, any building required to be provided with sanitary facilities under section 24-35 shall comply with the following:

(a) The owner may at his own expense connect with the public sewer even though the building is over two hundred (200) feet distant from the public sewer; or

(b) Where liquid-carried wastes or wastewater result, they
shall discharge into a private wastewater disposal system; or

(c) Where liquid-carried wastes or wastewater result, they shall discharge into a private wastewater treatment works.

(Ord. No. 263-96, 5-20-96)

Sec. 24-38. Private wastewater systems discontinued.

(a) At such time as a public sewer becomes accessible, as defined in section 24-36, to a property served by a private wastewater disposal system, direct connection shall be made to the public sewer by the owner of such property in compliance with this article within twelve (12) months of receipt of official notice to do so. At the time that direct connection to the public sewer is completed, use of the private wastewater disposal facilities shall have been discontinued. Such abandoned private wastewater disposal system shall be cleaned of sludge and waste materials and filled with clean bankrun gravel or dirt within thirty (30) days of abandonment.

(b) The closing and filling of the private wastewater disposal system and the connection to the public sewer system shall be inspected by the public services authority. The fee for such inspection shall be a minimum of ten dollars ($10.00) per septic tank plus ten dollars ($10.00) per hour for all inspection time exceeding one (1) hour. The permit for the connection to the public sewer is the same as those required under sections 24-39 & 42.

(c) No such work may be approved unless notice is given to the public works authority sufficient to permit the inspector to be present at the filling of the private wastewater disposal system and the connection to the public sewer. No new sewer construction or sewer repair or reconstruction may be approved if backfilled and/or covered prior to inspection. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the health authority.

(Ord. No. 263-96, 5-20-96)

Sec. 24-39. Public sewer connection; permit; fee.

No person shall uncover, make any connections with or openings into, alter or disturb either any public sewer or appurtenance thereof or any private sewer or appurtenance thereof without first obtaining a written permit from the public services authority or the
Portland Water District, if required. The fee for such permit shall be fifty dollars ($50.00).
(Ord. No. 263-96, 5-20-96; Ord. No. 261-01/02, 5-20-02)

Sec. 24-40. Costs.

All costs and expense incidental to the installation, connection and maintenance of the building sewer shall be borne by the owner.
(Ord. No. 263-96, 5-20-96)

Sec. 24-41. Separate connections required.

A separate and independent building sewer shall be provided for every new building, and a separate connection shall be made for each building sewer. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the public services authority, to meet all requirements of this article.
(Ord. No. 263-96, 5-20-96)

Sec. 24-42. Defective building sewers to be repaired or replaced.

(a) Whenever any building drain or building sewer connected to the public sewers, or to a private sewer system connected to the public sewers is found to be defective, deteriorating or substandard, the owner of the building served by such building drain or sewer shall be served by the public services authority with written notice stating the nature of the defect and providing a fifteen (15) day period for the satisfactory repair or replacement of such building sewer and requiring the owner to make a new connection to the public sewer at the owner's expense.

(b) All work done pursuant to this section shall be inspected by the public services authority. The fee for such inspection shall be twenty-five dollars ($25.00), represented by the permit fee required under section 24-39.

(c) Failure to comply. When a person to whom an order is directed fails to fully comply within the fifteen (15) day period, it shall be lawful for the city to repair a building drain or building sewer which is located within the public right-of-way, and all costs thereof shall be charged to the owner thereof.

(d) Lien procedure. The public services authority shall keep an accurate account of the expense of the work under this article, and
as soon as practicable after completion of such work, the city shall assess to the person(s) upon whom notice has been served pursuant to subsection (a) of this section their just cost thereof, and all assessments so made shall constitute a lien on the property to be enforced in the manner provided for the collection of sewer assessments within the city.

(Ord. No. 263-96, 5-20-96)

Cross reference(s)--Uniform procedure for collecting assessments, § 1-16.

Sec. 24-43. Methods of construction.

On all work done within the scope of this article, the size, slope, alignment and materials of construction of a building sewer, and the methods to be used in placing of the pipe, jointing, testing and backfilling the trench shall conform to the requirements of the public services authority's building sewer construction specifications. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such building drain shall be lifted by a means subject to the approval of the public services authority and discharged to the building sewer.

(Ord. No. 263-96, 5-20-96)

Sec. 24-44. Public sewer connection limitations.

(a) No person shall make connection of sanitary conveniences such as toilets, washrooms, urinals, sinks, showers, drinking fountains, kitchens or laundry rooms, nor discharge or cause to be discharged any waste or wastewater to a building's stormwater system or building storm drain which in turn is connected directly or indirectly to a public storm drain.

(b) No person shall make connection of roof downspouts, foundation drains, sump pump, areaway drains or other sources of surface runoff or groundwater, nor discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(c) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by
the public services authority. Industrial cooling water or unpolluted process waters may be discharged, on approval of the public services authority, to a storm sewer, combined sewer or a natural outlet.  
(Ord. No. 263-96, 5-20-96)

Sec. 24-45. Connections to public sewer.

The connection of the building sewer into the public sewer shall be constructed in the following manner:

(a) The public services authority shall be notified in advance of the time when the connection is to be made. Such notice must be sufficient to permit the public services authority to inspect the building sewer during construction and to be present when the connection is made to the public sewer.

(b) In the case of new construction, wastewater systems and stormwater drainage systems shall be kept separated from their connections to the proper city sewers.

(c) The building sewer shall be connected to the public sewer at the point designated by the public services authority.

(d) No building sewer connection constructed pursuant to this section can be approved if such sewer is backfilled and/or covered prior to inspection. No connection to the public sewer constructed pursuant to this section can be approved if such connection is made other than in the presence of an inspector from the public services authority or the Portland Water District, as required. No such unapproved or unapprovable building sewer in the city may be used, and if the building served by such building sewer is occupied, the owner of such building will be held to be in violation of this section, with each day in which the violation continues deemed to be a separate violation.  
(Ord. No. 263-96, 5-20-96)

Sec. 24-46. Sewer excavations.

(a) All excavations under this article within the public way shall be in accordance with article VII of chapter 25 of this Code.

(b) All excavations for sewer installation shall be made and maintained in compliance with the provisions of the construction
Sec. 24-16  safety rules and regulations of the state, applicable to excavation work.
(Ord. No. 263-96, 5-20-96)

Sec. 24-47. Prohibited wastes.

(a) No person shall discharge or cause to be discharged any waters or wastes prohibited by rule; or:

(1) Any noxious or malodorous gas or substance capable of creating a public nuisance.

(b) The public services authority may, if deemed necessary in his judgment, impose the following limitations on discharges of the following described waters or wastes to any public sewer or any part thereof:

(1) Any aluminum exceeding a concentration of 500 milligrams per liter;

(2) Any iron exceeding a concentration of 10 milligrams per liter;

(3) Any tin exceeding a concentration of 2 milligrams per liter;

(4) Any fluorides exceeding a concentration of 100 milligrams per liter;

(5) Any phenols exceeding a concentration of 100 milligrams per liter;

(6) Any chlorides exceeding a concentration of 3,000 milligrams per liter;

(7) Any sulphates exceeding a concentration of 600 milligrams per liter;

(8) a. Any waters or wastes containing animal or vegetable based fats, wax, grease or oils, whether emulsified or not, in excess of 500 milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees and one hundred fifty (150) degrees Fahrenheit (zero (0) and sixty-five (65) degrees centigrade).
b. In the Westbrook Intermunicipal Sewer Service Area, any waters or wastes containing animal or vegetable based fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperature between thirty-two (32) degrees and one hundred fifty (150) degrees Fahrenheit (zero (0) and sixty-five (65) degrees centigrade).

b. Any waters or wastes containing hydrocarbon (nonpolar) based fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees and one hundred fifty (150) degrees Fahrenheit (zero (0) and sixty-five (65) degrees centigrade).

(Ord. No. 263-96, 5-20-96; Ord. No. 250-97, 4-9-97; Ord. No. 97-03/04, 12-17-03)

Sec. 24-48. Prohibited wastes permitted how; cost.

(a) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters or wastes contain any of the substances or possess the characteristics listed in section 24-47, and which in the judgment of the public services authority may have a deleterious effect upon the wastewater works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the public works authority may:

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge to the public sewer as required by rule;

(3) Require control over the quantities and rates of discharge (flow equalization); and/or

(4) Require payment to cover the added cost of handling and treating the wastes.

(b) If the public services authority permits or requires pretreatment or waste flow equalization, the design and installation of the plants and equipment shall be subject to its
review and approval subject to the provisions of the state plumbing code, and the provisions of this article

(c) Where preliminary treatment or flow equalizing facilities are provided for any water or wastes, the owner shall bear the cost and responsibility for installing and maintaining them in continuously satisfactory and effective operating condition, as determined by the public services authority.
(Ord. No. 263-96, 5-20-96)

Sec. 24-49. Separate systems required.

Any person discharging or causing to be discharged into any public sewer both domestic wastewater and industrial wastes from any building or premises shall install separate drainage systems for the domestic wastewater and industrial waste. The control manhole required by rule shall be installed in the industrial waste system; or where two (2) separate systems are required, the two (2) systems may be joined in the control manhole provided that samples of each system can be sampled separately.
(Ord. No. 263-96, 5-20-96)

Sec. 24-50. Discharge permit.

(a) All categorical users and other dischargers of industrial wastes shall obtain a discharge permit from the public services authority as required by rule. New users shall obtain permits prior to any discharge. Applications and permits shall be in a form prescribed by the public services authority and shall be subject to an application fee of three hundred dollars ($300.00) per permit. Additionally, each permit shall be subject to an issuance fee which shall equal the direct and indirect costs of any previous advertisement of noncompliance and any other outside services which in the discretion of the public services authority are required in order to review and evaluate the application or to implement a pretreatment program for such permitted user.
(Ord. No. 263-96, 5-20-96)

Sec. 24-51. Public wastewater works not to be damaged.

No person shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the public wastewater works system.
(Ord. No. 263-96, 5-20-96)

Sec. 24-52. Right of entry.
The public services authority, or the Portland Water District as its agent, bearing proper credentials and identification, shall be permitted to enter upon all properties with sewer or storm drainage systems connected to the public sewer and producing industrial or process wastes, at reasonable times and upon reasonable notice for the purpose of inspection, observation, measurement, sampling and testing or otherwise enforce the rule, including copying of reports and records relating to the industrial pretreatment program in accordance with the provisions of this article.

(Ord. No. 263-96, 5-20-96)

Sec. 24-53. Exclusion of industrial waste.

(a) The public services authority or the Portland Water District shall have authority to temporarily exclude any industrial waste, whether pretreated or not, from the municipal sewers whenever, in its or their opinion, such action is necessary for the purpose of determining the effects of such wastes upon the sewers, wastewater works or wastewater treatment facilities.

(b) The public services authority or the Portland Water District shall notify the affected user prior to taking such actions and shall afford the user a reasonable time for response. The public works authority or the Portland Water District shall have the authority to take actions necessary to halt the discharge of pollutants from any user to the treatment works which reasonably appears to present an imminent endangerment to the health or welfare of persons or the POTW. Such actions shall be preceded by a notification, oral or written, to the user.

(Ord. No. 263-96, 5-20-96)

Sec. 24-54. Demolition of buildings.

(a) No building served by a building drainage system, sanitary or storm sewer, or both, which is connected to the public sewers or to a private sewer system connected to the public sewers, may be demolished prior to the termination of the building and/or facility sewer or drain at the city sewer under the inspection of the public services authority. The building sewer shall be terminated at the main, at the point designated by the public services authority.

(b) Notice of intent to demolish a building shall be given to the public works authority, by means of a copy of the application for a demolition permit from the building authority or by direct notice to the public works authority, in advance of the time when
the building drain is to be terminated. No such demolition permit shall be issued until a drain termination permit has been issued by the public works authority and a copy thereof has been given to the building authority.

(c) The fee to terminate the building and/or facility sewer and/or drain system will be paid to the city in advance of the termination. The fee of two hundred fifty dollars ($250.00) per termination represents inspection fees and materials to terminate sewer service. Upon payment of this fee and approval by the public works authority, the applicant shall be issued a sewer termination permit.

(d) Failure to give notice of intent to demolish a building to the public services authority, or to terminate the building drain prior to demolition thereof, or to obtain a permit therefor, shall be deemed a violation of this section, with each day in which the violation continues deemed to be a separate violation.

(e) All excavation for sewer service termination shall be made and maintained in compliance with all provisions of the construction safety rules and regulations of chapter 25, article VII of this Code.

(f) Violations. The property owner who fails to obtain a sewer termination permit and terminate the sewer or drain from the building to be demolished to the city sewer shall be guilty of an offense.

(g) Failure to comply. When a person to whom an order is directed fails to terminate a building sewer or drain within a ten-day period, it shall be lawful for the city to terminate the building sewer or drain. All city costs thereof shall be charged to the property owner.

(Ord. No. 263-96, 5-20-96)

Sec. 24-55. Written notice required.

Forty-five (45) days' written notice shall be given to the public services authority by any person proposing to:

(a) Substantially change the volume or character of pollutants over that being discharged into the treatment system at time of enactment of this article;

(b) Create a new discharge into the treatment system of
pollutants from any source which would be a new source as defined in section 306 of the act if such a source were discharging pollutants elsewhere;

(c) Create a new discharge into the treatment system of pollutants from any source which would be subject to section 301 of the act if it were discharging such pollutants elsewhere.

(Ord. No. 263-96, 5-20-96)

Sec. 24-56. Violations.

Any person failing to comply with or violating any provision of this article shall be served by the public services authority with written notice stating the nature of the failure or violation and providing a reasonable time limit for the satisfactory correction thereof. Such person shall, within the period of time stated in such notice, permanently cease or correct all such failures or violations. Any person who shall continue any failure or violation beyond the time limit required for compliance in any notice given pursuant to this section shall be guilty of an offense. Any person violating any of the provisions of this article shall be liable to the city and shall be assessed a civil penalty of a minimum of one thousand dollars ($1,000.00) per day for each violation of industrial pretreatment standards and requirements, and in addition, shall be liable for any expense, loss or damage occasioned by the city by reason of such violation. The city may seek injunctive relief for the purposes of enforcing this article.

(Ord. No. 263-96, 5-20-96)

Sec. 24-57. Appeals.

(a) Whenever the person receiving written notice shall deem himself aggrieved by an order made by the public services authority, the person may file an appeal to the city manager within ten (10) days of the date of the written notice, and the person shall be afforded a hearing on the matter before the city manager or his designee, and unless by their authority the aggrieved order is revoked, such order shall remain in force and be forthwith complied with by the person.

(b) In cases of applicability or interpretation of this article, the city manager may revoke such order made by the public services authority.

(c) In cases where compliance with such order made by the
public services authority would cause undue hardship, the city manager may extend the time limit of such order or they may permit exceptions to, or waive requirements of, or grant a variance from the specific provisions of this article, subject always to the rule that the city manager shall give due consideration to the purposes of this article in eliminating existing pollution, preventing further pollution and promoting the public health, safety and welfare.
(Ord. No. 263-96, 5-20-96)

Sec. 24-58. Reserved.
Sec. 24-59. Reserved.
Sec. 24-60. Reserved.
Sec. 24-61. Reserved.
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Sec. 24-68. Reserved.
Sec. 24-69. Reserved.
Sec. 24-70. Reserved.

ARTICLE IV. SEWER USE CHARGES*

*Editor's note--Ord. No. 263-96, passed May 20, 1996, amended this article in its entirety, in effect repealing the former provisions and enacting similar new provisions as herein set out. Formerly, such provisions pertained to sewer use charges, consisted of substantive §§ 24-71--24-78, and derived from §§ 322.1--322.3, 322.5--322.8 of the 1968 Code, as amended by the following legislation:

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Sec. 24-71. Definitions.

Unless the context specifically provides otherwise, the meanings of terms used in this article shall be as follows:

**Commercial unit** shall mean any structure or portion of a structure from which wastewater or industrial waste is discharged, excepting only dwelling units as defined hereinafter and shall include industrial users. Commercial units owned by different entities within the same structure and sharing the same water meter shall be treated as one (1) commercial unit.

**Dwelling unit** shall mean one (1) or more rooms occupied or designed to be occupied by one (1) or more natural persons as a single housekeeping unit with sanitary facilities, other than a place of public accommodation as defined hereinafter, discharging only domestic wastewater and shall include each unit of ownership in any condominium. If the occupant or occupants of rooms fit the definition of a dwelling unit except for the fact that the occupants share sanitary facilities with an occupant or occupants of other rooms located within the same structure, the number of units in the structure shall be deemed to be the total number of toilets or urinals located within such structure.

**Parcel of land** shall mean any area of land shown on the assessor's maps on the April first last preceding the operative date, located within the city, which is either connected in fact to
Sec. 24-71  a sewer within the city, or developed-but-unconnected to a sewer within the city, which sewer is nevertheless accessible to the area within the meaning of section 24-36.

   Place of public accommodation shall mean any establishment having sanitary facilities located therein which gives or offers shelter or lodging to members of the general public, whether transient or long term and shall include but is not limited to hotels, motels, guest houses, hospitals, rest homes, nursing homes, inns, fraternity houses and dormitories.

   Treatment facilities shall mean all wastewater treatment plants owned and operated by the Portland Water District or by the city.

   Total organic carbon or TOC shall mean the determination of organic matter present by the measurement of carbon dioxide produced by pyrolysis measured in accordance with 40 CFR Part 136.

   Volume of water shall mean the amount of water, estimated or measured, whichever is less, provided to the property by the Portland Water District during the previous period of the calendar year. This term shall include any amounts of water obtained from other sources whether or not water is also provided by the district.

(Ord. No. 263-96, 5-20-96)

   Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 24-72.  Sewer user charges.

(a)  Applicability. There are levied upon all parcels of land charges for cost of treatment of wastewater and for the operation and maintenance of the wastewater system.

(b)  Billing. Bills for all charges under this article may be sent to the record owner, or to the person requesting water service. Bills shall be sent to each such owner or person every month, except that persons billed quarterly or seasonally by the Portland Water District for water service may be billed quarterly or seasonally for all charges under this article. All payments shall be credited against the oldest outstanding bill sent to such owner or person. Any payments made to the Portland Water District or its agents, which do not indicate to which account they are to be applied, shall be applied as provided by contract between the city and the Portland Water District.

24-24
Bills shall contain an amount for sewer user charges, and if delinquent as provided in section 1-16 of this Code, shall include charges for interest to be computed in the same manner as provided for real estate taxes.

(c) Computation. The user charges shall be computed in accordance with the following schedule, as from time to time amended, which shall be sufficient to meet costs of the eligible purposes for which such charges may be used. User charges under this section for both dwelling units and commercial units billed for water used after July 1, 2011, the foregoing rate shall be eight dollars and eleven cents ($8.11) per hundred cubic feet of volume for connected parcels of land. The user charge for developed but unconnected parcels of land shall be one dollar and seventy-one cents ($1.71) per hundred cubic feet of volume. Each metered billing unit shall have a minimum charge of at least one hundred (100) cubic feet per month.

(d) Purposes for which charges may be used. Charges and assessments made under this article shall be used consistently with 33 U.S.C.A. § 1281 et seq., and applicable federal regulations for the following purposes:

(1) To defray the current expenses of operating and maintaining the wastewater system, including any assessment made by the Portland Water District;

(2) To pay the interest and repay the principal on any outstanding or future indebtedness of the city for construction of sewers heretofore or hereafter constructed within the city;

(3) To reimburse the city for the cost of computation, billing and enforcement of such charges.

(e) Collection. Charges assessed pursuant to this section shall be enforceable pursuant to section 1-16 of this Code.

(f) Disconnection for nonpayment of charges. The Portland Water District shall disconnect sewer users with unpaid sewer use charges according to the same terms and procedures used to disconnect water users with unpaid water use charges.
Sec. 24-73. Industrial surcharges.

(a) Applicability. Each industrial user except those included in the Westbrook Inter-Municipal Sewer Service Agreement Area, shall be subject to surcharges in addition to any other treatment charge if the wastewater discharged by such user is determined by the public works authority, in accordance with 40 CFR Part 136, to exceed any of the following concentrations:

1. BOD of two hundred fifty (250) mg/l; or COD, where indicated for specific wastewater and a correlation between BOD and COD is established in such wastewater; or TOC, where indicated for specific wastewater and a correlation is established between TOC and BOD in such wastewater;

2. TSS content of three hundred (300) mg/l.

(b) Computation of surcharge for BOD. The surcharge for BOD shall reflect the cost of removing the excess BOD and shall be computed in accordance with the following formula:

Surcharge for BOD = \((C_1 - 250 \text{ mg/l}) \times Q \times 8.34 \times S_1\)

Where:
- \(C_1\) = The concentration of BOD in mg/l
- \(Q\) = The total volume of wastewater contributed during the billing period, in millions of gallons
- 8.34 = Conversion factor of gallons to pounds
- \(S_1\) = $0.1633 for each pound of BOD in dollars

(c) Computation of surcharge for TSS. The surcharge for TSS shall reflect the cost of removing the excess TSS and shall be computed in accordance with the following formula:

Surcharge for TSS = \((C_2 - 300 \text{ mg/l}) \times Q \times 8.34 \times S_2\)

Where:
- \(C_2\) = The concentration of TSS in mg/l
- \(Q\) = Total volume of wastewater contributed during the billing period, in millions of gallons
8.34 = Conversion factor of gallons to pounds

S₂ = $0.0817 for each pound of TSS in dollars

(d) Westbrook Inter-Municipal Sewer Service Agreement area may be surcharged for BOD and TSS, based on the cost of treatment at the Westbrook Gorham Regional Treatment Plant.

(e) Industrial surcharge fee. An industrial surcharge fee is hereby established for all permitted discharges from all permitted users at a rate of $0.0857 per hundred cubic feet of volume, provided that the city council may, from time to time, by order, readjust the surcharge fee according to the then prevailing cost of administering the industrial pretreatment program and the anticipated number of permitted users and anticipated volume to be surcharged.

(f) Appeals. Any person aggrieved by a determination of the public services authority made pursuant to this section may appeal such determination to the city manager, within thirty (30) days of notification of such determination. Such person may submit additional evidence and shall be heard orally by the manager or his deputy. The manager may modify the public service authority's determination if satisfied that the determination was erroneous, inconsistent with this chapter, or with applicable rules, regulations or grant requirements made pursuant to 33 U.S.C.A. c. 26. All determinations of the manager shall be rendered within a reasonable period of time, not to exceed ninety (90) days from the date of such hearing and shall be final.

(Ord. No. 263-96, 5-20-96; Ord. No.97-03/04, 11-17-03)

Sec. 24-74. Reserved.

Sec. 24-75. Volume measurements.

(a) Water volume measurements. Whenever in this article there is reference to volume of water, and the charges of such person are computed in whole or in part upon such volume of water, the use of such standard shall give the public services authority the right to require any person obtaining water from sources other than the Portland Water District to install and maintain at such person's own expense water meters of a type approved by the public service authority for the purpose of determining the volume of water obtained from their other sources and to report the volume of such water recorded by such meter to the public service authority.
Following installation, such meter shall not be removed without the written permission of the public service authority.

(b) **Wastewater volume.** Devices for measuring the volume of wastewater discharged by a commercial or industrial user may be required by the public service authority if these volumes cannot be determined from the water volume records. Any person who is a commercial or industrial user may, at his option, install devices approved by the public service authority for the metering of wastewater and may have the charges based upon the volume of wastewater rather than upon water volume. All metering devices for determining the volume of wastewater shall be installed, owned and maintained by the person to be charged. Following approval and installation, such meters may not be removed without the consent of the public service authority and may be read by the public service authority at all reasonable times.

(c) **Submetering of water volume.** Any person who feels that recorded water records are not a reliable index of his discharge volume may install an additional water meter of a type approved by the public service authority to measure the volume of water which can be shown not to enter the sewerage system. The person installing such a meter shall immediately notify the public service authority of such installation and shall be responsible to the public service authority for reporting meter readings not less often than every three (3) months. Such person shall be credited with the volume charges for the volume shown by such meter, which meter shall be accessible for reading by the city or its agents at all reasonable times.

(d) **Review.** Any person subject to charges under this article may make a written request for review of such charges by the city manager as provided in section 1-16 of this Code. The city manager may review and modify such charges, to the extent that justice requires, upon affirmative proof by such person that:

1. The volume of metered water consumed exceeds the volume of wastewater generated by the unit;
2. The difference between the volume of water and of wastewater exceeds ten (10) percent of the metered water measurement;
3. The amount of the difference can be established to a substantial certainty by reliable tests or is documented by reliable sources prepared for purposes unconnected
with wastewater disposal; and

(4) Measurement by the measuring devices provided for in the preceding subsections is impossible or impractical.

(Ord. No. 263-96, 5-20-96)

Sec. 24-76. Assessments.

(a) **Lien.** All assessments upon a parcel of land made under this article shall create a lien for the benefit of the city.

(b) **Reserved.**

(Ord. No. 263-96, 5-20-96)

*Cross reference(s)–Uniform procedure for collecting assessments, § 1-16.*

Sec. 24-77. Violations.

Any person violating the provisions of this article, other than the requirement of payment of charges or assessments, shall be guilty of an offense.

(Ord. No. 263-96, 5-20-96)
PUBLIC SERVICES DEPARTMENT
RULES AND REGULATIONS
FOR USE OF THE WASTE WATER SYSTEM

Effective May 1, 2011
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1. GENERAL PROVISIONS

1.1. Purpose and Scope

a. It is the purpose of these Rules & Regulations to set forth uniform requirements for Users of the City of Portland Wastewater Collection & Treatment System (System). It is intended that these Rules & Regulations conform with and supplement the City of Portland Sewer Use Ordinance, the Federal Water Pollution Control Act Amendments of 1972 (PL 92-500) and its amendments, State of Maine Statutes, and Section 16 of the Portland Water District Charter.

b. It is the intent of these Rules & Regulations to establish requirements for compliance with the City of Portland's Industrial Pretreatment Program. These rules set forth uniform requirements for Users of the System and enable the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403 and 06-096 CMR Chapter 528). The objectives of these rules are:
   1. Prevent the introduction of pollutants to the System which would interfere with its operation;
   2. Prevent the introduction of pollutants to the System that will pass through, inadequately treated, into the receiving waters, or be otherwise incompatible with the System;
   3. Protect both the System personnel who may be affected by wastewater and sludge in the course of their employment, and the general public;
   4. Promote reuse and recycling of industrial wastewater and sludge from the System;
   5. Provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the System; and
   6. Enable the Portland Water District to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal, and any other Federal or State laws to which the System is subject.

c. These rules shall apply to all Users of the System. The rules authorize the issuance of individual wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

d. The provisions of these Rules and Regulations shall apply to all Users of the System and govern the types of wastes and wastewaters prohibited from the System, the strength and pollutant concentrations of wastewaters allowed in the System, and control the quantity and characteristics of wastes and wastewaters received by the System.

1.2. Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in these Rules and Regulations, shall have the meanings hereinafter designated:

Act. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. @1251 et seq., 86 Stat. 816, PL 92-500 and the regulations promulgated thereunder, as amended from time to time.

Approval Authority. State of Maine Department of Environmental Protection.

Authorized Representative.
(1) If the User is a corporation:
   
a. The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
   
b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in paragraphs 1 through 3 above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

Best Management Practices or BMPs. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in §403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Biochemical Oxygen Demand ("BOD"). The quantity of oxygen utilized in the biochemical oxidation of organic matter, under standard laboratory procedures in five (5) days at 20°C (twenty degrees) centigrade, expressed in terms of milligrams per liter (mg/l).

Bypass. The diversion of wastewater from any portion of an Industrial User's treatment facility.

Categorical Industrial User. An Industrial User subject to National Categorical Pretreatment Standards.

Caustic Alkalinity. (Hydroxide alkalinity). A measure of the capacity of wastewater, which exhibits a pH of greater than or equal to 8.3, to neutralize acids.

Categorical standards. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

Chemical Oxygen Demand (COD). A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

City. City of Portland, Maine.

Collector Sewer. A sewer which transmits wastewater from one or more individual service lines to a trunk or interceptor sewer and has no other common sewers tributary to it.

Cooling Water. The water discharged from any use, such as air conditioning, cooling, or refrigeration

DEP. The Maine Department of Environmental Protection.

Department. The City of Portland Department of Public Services.
**Daily Maximum.** The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

**Daily Maximum Limit.** The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

**Direct Discharge.** The discharge of treated or untreated wastewater directly to the Waters of the State.

**District.** The Portland Water District, a quasi-municipal corporation organized under Maine law, and located at 225 Douglas Street, Portland, Maine 04104. Whenever approval of or correspondence with the District is referred to, it shall mean the General Manager of the District, or a duly designated representative, unless otherwise specified.

**District Charter.** Chapter 84 of the Private and Special Laws of the State of Maine of 1975, an “Act to Codify the Charter of the Portland Water District,” as from time to time amended.

**Domestic Source.** Any residence, building, structure, facility, or installation from which only sanitary sewage will normally be discharged to the Facility.

**Enforcing Officer.** The Department or the Portland Water District as agent for the City and at the request of the Department shall administer and enforce the provisions of this article.

**EPA.** United States Environmental Protection Agency.

**Existing Source.** Any source of discharge that is not a “New Source.”

**Facility.** See POTW - Publicly Owned Treatment Works.

**Garbage.** Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food and produce, and from the handling, storage and sale of food and produce.

**Grab Sample.** A sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

**Hauler.** Persons, firms, or corporations transporting wastewater, septage, holding water, or Industrial Waste to the Facility POTW for disposal.

**Holding Tank Waste.** Any waste derived from the temporary storage of sanitary waste including those derived from sinks and sanitary plumbing fixtures. Holding Tank Wastes are expected to exhibit pollutant concentrations similar to that of typical domestic wastewater.

**Incompatible Pollutant.** Any pollutant other than biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria or additional pollutants identified in the POTW’s NPDES permit to discharge, which the wastewater treatment facility was not designed to treat, does not remove to a substantial degree, or may be toxic to the POTW or receiving waters.

**Indirect Discharge** or "Discharge". The discharge or the introduction into the Facility of pollutants from any source, other than a Domestic Source, regulated under section 307(b), (c) or (d) of the Act.

**Industrial User.** A source of Indirect Discharge or any source which discharges Industrial Waste to the Facility.

**Industrial Waste.** Any liquid, gaseous, or solid waste substance, or a combination thereof, resulting from any process of industry, manufacturing, trade, or business or from the development or recovery of any natural resources.

**Interference.** A discharge which, alone or in conjunction with discharges from other sources, inhibits or disrupts the Facility, its treatment processes or operations, or its sludge processes, use or disposal; and therefore, is a cause of a violation of the District’s MPDES Permit(s) or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more
stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Local Limit. Specific discharge limits developed and enforced by City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

MEPDES. Maine Pollution Discharge Elimination System or permit issued by the State of Maine for discharges from a wastewater treatment facility.

Medical Waste. Isolation wastes, infections agents, human blood and products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

mg/l. milligrams per liter.

Monthly Average. The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

Monthly Average Limit. The highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

Municipal Sewer or Collector System. A sewer or system of sewers directly controlled by or which is the responsibility of the Municipality.

NAICS. The North American Industry Classification System. A system of classifying industries by the nature of their process. Replaced the Standard Industrial Classification system.

(National) Categorical Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. section 1317), that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405 through 471.

New Source. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act which will be a applicable to such Source if such Standards are thereafter promulgated in accordance with that section, provided that:

a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or

b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or

c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.

d. Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

e. Construction of a New Source as defined under this paragraph has commenced if the owner or operator has begun, or caused to begin, as part of a continuous onsite construction program:

i. any placement, assembly, or installation of facilities or equipment; or
ii. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

iii. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Noncontact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Non-Categorical Significant Industry. An industry which meets the definition of a Significant Industrial User, but is not a categorical industry.

Non-Significant Industry. An industry which does not meet the definition of a Significant Industrial User, but may be permitted by the City because it has a possibility of discharging incompatible pollutants in excess of local discharge limits or is required to have a spill control plan.

Pass Through. The discharge of pollutants through the Facility into Waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of violation of any requirement of the District's NPDES Permit (including an increase in the magnitude or duration of a violation).

Person. Any individual, firm, company, association, corporation, trust or government authority, partnership, public or private corporation or authority, trust, estate, governmental entity, agency or political subdivision of a municipality, the State of Maine, or the United States, or any other legal entity, or their legal representative, agent, or assign. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.

pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions in a solution expressed as standard units.

Pollutant. Any element or property of sewage, agricultural, industrial or commercial waste, run off, leachate, heated effluent, or other matter, in whatever form and whether originating at a point or non-point source, which is or may be discharged, drained, or otherwise introduced into the Facility, or Waters of the State.

These may be but are not limited to: Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sludge, munitions, medical waste, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and any other characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

Pollution. The man-made or man induced alteration of the chemical, physical, biological and radiological integrity of water.

POTW (Publicly Owned Treatment Works) ("Facility"). The treatment works, as defined by Section 212 of the Act, operated by the District. This definition includes any devices and systems used in the storage, treatment, recycling, disposal, and all conveyance of wastewater and sewage consisting of domestic, commercial, municipal, and industrial wastes of a liquid nature. It also includes those sewer conveyances which convey wastewater to the Facility. For the purposes of these Rules and Regulations, POTW shall also include any sewers that convey wastewaters to the treatment works from Persons who are, by permit, contract, or agreement with the City, Users of the Facility.

POTW Treatment Plant. That portion of the Facility designed to provide treatment (including recycling and reclamation) of wastewater, municipal sewage, industrial waste, sewage and holding water.
Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the Facility. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes, or other means, except as prohibited by 40 CFR @403.6(d).

Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a National Categorical Pretreatment Standard, imposed on a User by the City through its permit process as defined in Section 3 of these Rules and Regulations.

Pretreatment Standards or (Standards). Pretreatment Standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.


Sanitary Sewage. Liquid and water-carried human and domestic wastes from residences, commercial buildings, industrial plants and institutions, exclusive of ground, storm and surface water and exclusive of industrial wastes.

Sanitary Sewer. A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

Septage. Any waste, refuse, effluent, sludge or other material derived from a septic tank, cesspool, vault privy, or similar source which concentrates wastes or to which chemicals have been added. Pert this definition, portables are considered to be septage.

Septic Tank Pumpage “Septage”. Any solid or liquid wastes removed from septic tanks, cesspools, seepage pits, grease traps or privies.

Service Agreement. A contract between the City and a Person, as defined above for the handling and treatment of wastewater from such Person.

Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).

Sewer. A pipe or conduit that carries wastewater.

Sewerage System. Any device, equipment, or works used in the transportation, pumping, storage, treatment recycling, reclamation, and disposal of sewage and industrial wastes.

Shall is mandatory; May is permissive.

Significant Industrial User. Except as provided in paragraph (3) below, a Significant Industrial User is:

1. An Industrial User subject to categorical Pretreatment Standards; or
2. An Industrial User that:
   (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
   (b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
   (c) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW’s operation or for violating any Pretreatment Standard or Requirement.
3. Upon finding that a User meeting the criteria in paragraph (2) above has no reasonable potential for adversely affecting the POTW’s operation or for violating any Pretreatment Standard or Requirement, the City may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User,
**Significant Noncompliance.** A violation which meets one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter taken during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits;

2. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement, including Instantaneous Limits, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, an d 1.2 for all other pollutants except pH);

3. Any other violation of a Pretreatment Standard or Requirement, Daily Maximum, long-term average, Instantaneous Limit, or narrative standard that the City determines has caused, alone or in combination with other discharges, Interference or Pass Through including endangering the health of POTW personnel or the general public;

4. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the City or District's exercise of emergency authority to halt or prevent such a discharge;

5. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

6. Failure to provide, within 45 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

7. Failure to accurately report noncompliance;

8. Any other violation(s) which may include a violation of Best Management Practices, which the City determines will adversely affect the operation or implementation of the pretreatment program.

**Sludge (Biosolids).** Waste containing varying amounts of solid contaminants removed from water, sanitary sewage, wastewater or industrial wastes by physical, chemical and biological treatment.

**Slug Load or Slug Discharge.** Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards of these rules. A Slug Discharge is any Discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill, non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW’s regulations, Local Limits or Permit conditions.

**Solids Disposal Operations.** The method or methods the District employs to utilize or dispose of the by-product solids sludge resulting from the treatment of wastewater.

**Staff or City Staff.** The staff of the Department.

**Storm Water.** Any flow occurring during or following any form of natural precipitation, including snowmelt, and resulting therefrom.

**Suspended Solids.** The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtration.

**Toxic Pollutant.** Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under section 307(a)(1) of the Act, or other statutes, regulations or ordinances.

**User.** Any Domestic Source, or Industrial User which discharges wastewater to the Facility.
**Vehicle Registration.** Document is sued by the City or the District to Haulers for a specified vehicle. A certificate of liability insurance must be submitted and payment of fee made prior to issuance or approval of registration.

**Wastewater.** Liquid and water-carried in industrial wastes and sewage from residential dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

**Wastewater Discharge Permit or Permit.** The document issued by the City as set forth in Section 3 of these Rules and Regulations.

**Wastewater Treatment Plant or Treatment Plant.** That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

**Waters of the State.** All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage system; a and all other bodies of water or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, border upon or are within the jurisdiction of the State of Maine.

**Westbrook Inter-Municipal Sewer Service Area** shall mean the domestic and sanitary sewage and waste water from the Service Area, the Riverside Street/Warren Avenue/Forest Avenue vicinity of Portland as defined on the plan attached as Exhibit A, intercepted by the District and delivered to the existing Westbrook Gorham Regional Treatment Plant for treatment. Reference: Council Order 54-02/03 @ An Order Authorizing Three-Party Sewer Service Agreement with Portland Water District and City of Westbrook.

**Other Waste.** Any waste delivered by truck that does not satisfy the definition of Septage or Holding Tank Wastes. Other Wastes may include commercial wastes that include materials other than sanitary waste.

## 2. REGULATION OF WASTEWATER DISCHARGES

### 2.1. General Discharge Prohibitions

No Person may introduce into a POTW any pollutant(s) which may cause Pass Through or Interference. These general prohibitions and the specific prohibitions in Section 2.2 of these Rules and Regulations apply to each Person introducing pollutants into the Facility whether or not the Person is subject to other National Pretreatment Standards or any national, state, or local Pretreatment Requirements.

### 2.2. Specific Discharge Prohibitions

In addition to the Prohibitions described in Section 2.1 above, the following discharges to the Facility are specifically prohibited:

(a) Any gasoline, benzene, naphtha, fuel, oil, or other flammable or explosive liquid, solid, or gas, or any other pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;

(b) Any wastewater containing toxic objectionable pollutants in sufficient quantity or concentration, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, to constitute a hazard to humans or animals, to create a toxic effect in the receiving waters of the Facility, or to exceed the limitations set forth in a National Categorical Pretreatment Standard found in 40 CFR Chapter I, Subchapter N, Parts 405-471, the Local Discharge Limitations prescribed herein in Section 2.5,
or an Industrial Discharge Permit issued pursuant to these Rules and Regulations. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act and as listed at 40 CFR Part 403, AppB.

Also prohibited are any wastewaters which may cause corrosive structural damage to the Facility including, but not limited to the following characteristics:

All wastewaters with a pH lower than 5.0 or greater than 10.3**

**(The City may authorize discharge of wastes with a pH greater than 10.3 provided that the caustic (hydroxide) alkalinity of the sample does not exceed 1000 mg/l.)

(c) Any wastes or wastewaters having solid or viscous material which could cause an obstruction to flow in the Facility or in any way could interfere with the treatment process, including as examples of such materials, but without limiting the generality of the foregoing, significant proportions of ashes, wax, paraffin, cinders, sand, mud, straw, shavings, metal, glass, rags, lint, feathers, tars, plastics, wood and sawdust, hair and fleshings, entrails, lime slurries, beer and distillery slops, grain processing wastes, grinding compounds, acetylene generation sludge, chemical residues, acid residues, food processing bulk solids, snow, ice, and whole or ground seafood shells, whole blood, unground garbage, paper dishes, cups, whole or ground milk containers, and all other solid objects, material, refuse, and debris not normally contained in sanitary sewage.

(d) Any waste which, either singly or by interaction with other wastes may result in the presence of noxious or malodorous liquids, gases, vapors, fumes or solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair.

(e) Any substance which may cause the Facility's effluent or any other product of the Facility such as biosolids, sludges, or scums, to be unsuitable for disposal in a permitted landfill or for reclamation and reuse, or to interfere with the reclamation and reuse process. In no case shall a substance discharged to the Facility cause the Facility to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; or with any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, or Maine DEP "Rules for Land Application of Sludge and Residuals" - MRSA Title 38, Section 1304, Chapter 419.

(f) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference to the Facility or Pass Through to the Waters of the State.

(g) Any wastewater load (slug) having a flow rate or containing concentrations or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

(h) Any wastewaters with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(i) Any wastewater having a temperature which may inhibit biological activity in the Facility resulting in interference, but in no case wastewater with a temperature at the introduction into the Facility which exceeds 40 degrees Centigrade (104 degrees Fahrenheit).

(j) Any wastewater containing any radioactive wastes or isotopes with such half-life or concentration as may exceed limits necessary to comply with applicable state or federal regulation.

(k) Any sludges or deposited solids resulting from an industrial pretreatment process.

(l) Any petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or Pass Through.
(m) Any pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(n) Any medical wastes, except as specifically authorized by the City in an individual wastewater discharge permit.

(o) Any wastewater causing, alone or in conjunction with other sources, the treatment plant’s effluent to fail toxicity test.

(p) Any detergents, surface-active agents, or other substances which might cause excessive foaming in the POTW.

(q) Any trucked or hauled pollutants, except at discharge points designated by the District in accordance with District rules.

(r) Any pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

2.3.1 Prohibition of Wastes.

The Department may, if deemed necessary in its judgment, impose the following limitations on discharges of the following described waters or wastes to any public sewer or any part thereof:

(1) Any aluminum exceeding a concentration of 500 milligrams per liter;
(2) Any iron exceeding a concentration of 10 milligrams per liter;
(3) Any tin exceeding a concentration of 2 milligrams per liter;
(4) Any fluorides exceeding a concentration of 100 milligrams per liter;
(5) Any phenols exceeding a concentration of 100 milligrams per liter;
(6) Any chlorides exceeding a concentration of 3,000 milligrams per liter;
(7) Any sulphates exceeding a concentration of 600 milligrams per liter;
(8) Any waters or wastes containing animal or vegetable based fats, wax, grease or oils whether emulsified or not, in excess of 500 milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees and one hundred fifty (150) degrees Fahrenheit (zero(0) and sixty-five (65) degrees centigrade).

2.3.2 Prohibition of Wastes in the Westbrook Intermunicipal Sewer Service Area.

The Department may prohibit the discharge of the following wastes in the Westbrook Inter-municipal Sewer Service Area, if any discharge is, in their opinion, of sufficient quantity to create a hazard, public nuisance or deleterious effect upon receiving waters or the waste treatment facilities:
(a) Any hexavalent chromium, aluminum, iron, tin, fluorides, arsenic, phenols, chlorides or sulfates. In addition, those metals specified in 40 CFR 433.17 shall not exceed the concentrations therein listed.

(b) Any reducing substances having an immediate chlorine demand exceeding 30.0 mg/l.

(c) Any radioactive wastes greater than allowable releases as specified by current U.S. Bureau of Standards Handbooks dealing with the handling and release of radioactivity.

(d) Any waters or wastes containing any combination of solids, liquids, or gases listed in this section but at concentrations not prohibited when such commingled waters or wastes shall yield a concentration of contamination which the Department deems detrimental to the wastewater works or wastewater treatment processes.

(e) Any waters or wastes which cause corrosive structural damage to the sewers or treatment works including, but not limited to any wastes having a concentration of caustic alkalinity exceeding 1000 mg/l, or all wastes with a pH lower than 5.0.

(f) Any liquid or vapor other than water having a temperature higher than one hundred-fifty (150) degrees Fahrenheit (65 C).

(g) Any waters or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l, or containing substances which may solidify or become viscous at containing substances which may solidify at temperatures between thirty-two (32) degrees and one hundred-fifty (150) degrees Fahrenheit (0 and 65 C).

(h) Any waters or wastes containing suspended solids exceeding a concentration of 400 mg/l, or dissolved solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment plant or in the public wastewater works.

(i) Any waters or wastes having any color that is not removable in the existing treatment plant processes.

(j) Any waters or wastes having an average B.O.D. in excess of 400 mg/l.

(k) Any waters or wastes having an average C.O.D. in excess of 600 mg/l.

2.4 National Categorical Pretreatment Standards

Upon the promulgation of National Categorical Pretreatment Standards for a particular industrial subcategory found in 40 CFR, Chapter I, Subchapter N, Parts 405-471 and thereby incorporated in these Rules and Regulations, the Pretreatment Standard, if more stringent than limitations imposed under these Rules and Regulations, shall immediately supersede, for Users in that subcategory, the limitations imposed under these Rules and Regulations. The City shall notify all affected Users of the applicable requirements under the Act; and subtitles C and D of the Resource Conservation and Recovery Act.

2.5 Modification of National Categorical Pretreatment Standards

Pursuant to 40 CFR § 403.7, where the Facility achieves consistent removal of pollutants limited by a National Categorical Pretreatment Standard, the City may apply to the EPA for modification of the discharge limits for a specific pollutant covered in the relevant National Categorical Pretreatment Standard in order to reflect the Facility’s ability to remove said pollutant. The City may modify pollutant discharge limits contained in a National Categorical Pretreatment Standard only if the requirements of 40 CFR §403.7 are fulfilled and prior written approval from the EPA is obtained.

2.5.1 The City may develop Best Management Practices by rule for individual wastewater discharge permits to implement Local Limits and the requirements of Section 2.2.
2.6 Local Discharge Limitations

No person shall discharge wastewater containing any pollutant specified in Schedule A annexed hereto and incorporated herein by reference, in excess of the limitations for each of said pollutants as specified in said Schedule A (Portland POTW discharge limitations). Compliance with the provisions of this Section 2.6 shall be assessed on the basis of samples of the person’s wastewater discharge collected at each point of connection between the person’s building, structure, facility or installation and the Facility. If a National Categorical Pretreatment found in 40 CFR, Chapter I, Subchapter N, Parts 405-471 applies to the person, rules and regulations established for Users in a particular industrial subcategory which are more stringent than the limitations specified in Schedule A, those more stringent limitations shall immediately apply to those Users subject thereto. Compliance with National Categorical Pretreatment Standard limitations shall be determined in accordance with the requirements set forth in 40 CFR §403 12(b)(5).

2.7 State Requirements

Users must comply with State Pretreatment Standards codified at 06-096 CMR Chapter 528 Pretreatment Program.

2.8 City’s Right of Revision

The City reserves the right to establish by amendment to these Rules and Regulations more stringent limitations or requirements on discharges to the Facility if deemed necessary to comply with the objectives presented in Section 1.1 of these Rules and Regulations or as may be imposed by Federal or State authorities.

2.9. Dilution Prohibited in Absence of Treatment

No User shall ever increase the use of process water or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with any National Categorical Pretreatment Standard or Pretreatment Requirement, or in any other pollutant-specific discharge limitation developed by the City or the EPA.

2.10. Pretreatment

Each user shall provide wastewater treatment as necessary to comply with these Rules and Regulations and shall achieve compliance with all categorical Pretreatment Standards, Local Discharge Limitations set forth in Schedule A hereof, and the prohibitions set out in Section 2.2 of these Rules within the time limitations specified by the City, State, or Pretreatment standards or Pretreatment Requirements set forth in these Rules and Regulations. Any subsequent changes in the Pretreatment facilities or method of operation shall be reported to and be acceptable to the City prior to the User’s initiation of the changes.

(a) Whenever deemed necessary, the City may require Users to restrict their discharge during peak flow periods, designate certain wastewater points of discharge, separate sewage wastewater from industrial wastewater, and such other conditions as may be necessary to protect the POTW and ensure compliance with these Rules and Regulations. Any subsequent changes in the Pretreatment facilities or method of operation shall be reported to and be acceptable to the City prior to the User’s initiation of the changes.

(b) The City may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.
(c) Grease, oil, and sand interceptors shall be provided when they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the City and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired by the User at their expense.


All records relating to compliance with applicable Pretreatment Standards and Pretreatment Requirements as defined in 40 CFR §403.3(j) and (r) shall be made available to officials of the EPA, DEP, or City upon request. In addition, pursuant to the public participation requirements of 40 CFR Part 25, the City shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the City, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (c), (d) or (h) of this Section) and shall mean:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous Limits;

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period exceed the product of the numeric Pretreatment Standard or Requirement, including Instantaneous Limits, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(c) Any other violation of a Pretreatment Standard or Requirement (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the City determines has caused, alone or in combination with other discharges, interference or pass through, including endangering POTW personnel or the general public;

(d) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the City’s or District’s exercise of its emergency authority to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance; or

(h) Any other violation(s), which may include a violation of Best Management Practices, which the City determines will adversely affect the operation or implementation of the local pretreatment program.

2.12 Accidental Discharges.

a. Plans and Procedures. Each Industrial User shall provide protection from accidental discharge of prohibited materials or other substances regulated by these Rules and Regulations. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the User’s own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review and shall be approved by the City.
No Industrial User shall be permitted to introduce pollutants into the Facility until accidental discharge procedures have been approved by the City. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the Industrial User’s facility as necessary to meet the requirements of these Rules and Regulations, or from any other violation of these Rules and Regulations.

In the case of an accidental discharge, the Industrial User shall immediately notify the City of the Incident. The notification shall include location of discharge, type of waste, concentration and volume, and any and all corrective actions.

b. Written Notice. Within five (5) days following an accidental discharge, the Industrial User shall submit to the City a detailed written report describing the cause of the discharge and the measures which have been and shall be taken by the User to prevent similar future occurrences. Such notification shall not relieve the Industrial User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the Facility, fish kills, or any other damage to person, animals or property; nor shall such notification relieve the Industrial User of any fines, civil penalties, or other liability which may be imposed by these Regulations or other applicable law.

c. Notice to Employees. A notice shall be permanently posted on the Industrial User’s bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge. Employers shall ensure that all employees who may cause or suffer such a discharge to occur, or who may know or have reason to know thereof, are advised of the emergency notification procedures.

2.13. Slug Discharge.

At least once every two years, the City shall evaluate whether each Significant Industrial User needs a plan to control slug discharges. The Significant Industrial User shall comply with the provisions of any such slug control plan which the City determines to be necessary, including but not limited to:

(a) A description of discharge practices, including non-routine batch discharges;

(b) A description of stored chemicals;

(c) Procedures for immediately notifying the Facility of slug discharges, including any discharge that would violate a prohibition under 40 C.F.R §403.5(b), with procedures for follow-up written notification; and

(d) If necessary, procedures to prevent adverse impact from accidental or Slug Load, such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic or organic pollutants, including solvents, and/or measures and equipment for emergency response.


(a) In the case of any discharge, including, but not limited to, accidental, episodic, nonroutine, or Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the City of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

(b) Within five (5) days following such discharge, the User shall, unless waived by the City, submit a detailed written report describing the cause(s) 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 might be incurred as a result of damage to the POTW, natural resources, or any other...
damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to these rules.

(c) A notice shall be permanently posted on the User’s bulletin board or other prominent place advising employees who to call in the event of a discharge described in Paragraph (a), above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

(d) Significant Industrial Users are required to notify the City immediately of any changes at its facility affecting the potential for a Slug Discharge.

3. CONTROL MECHANISM

3.1. Permit Requirements

a. No Significant Industrial User shall discharge wastewater directly or indirectly into the Facility without first obtaining an Wastewater Discharge Permit from the City, except that a Significant Industrial User that has filed a timely application pursuant to Section 3.2 of these rules may continue to discharge for the time period specified therein.

b. Any violation of the terms and conditions of the Permit shall be deemed a violation of these Rules and Regulations. Obtaining a Permit does not relieve the Industrial User of its obligation to obtain other permits required by Federal, State or local law.

c. The City may require that any Industrial User obtain a Permit as necessary to carry out the purpose of these Rules and Regulations.

d. New Industrial Users located beyond the City’s wastewater service area shall submit a permit application, in accordance with Section 3.2. below, to the City 60 days prior to discharging into the sewer collection system. Upon review and approval of such application, the City may issue a permit to the User which requires the User to abide by these Rules and Regulations, in cluding all permitting, compliance monitoring, reporting, and enforcement provisions herein.

e. Any Significant Industrial User proposing to begin or recommence discharging non-domestic wastes into the Facility must obtain a Permit prior to beginning or recommencing such discharge. An application for this Permit must be filed at least 60 days prior to the anticipated start-up date.

3.2. Permit Application

In order to be considered for a Permit, all Industrial Users required to have a Permit must submit the following information on an application form approved by the City:

1. Name, address and location (if different from the address), including the name of the operator and owner.

2. Standard Industrial Classification (SIC) code of both the industry as a whole and any processes for which National Categorical Standards have been promulgated.

3. Wastewater constituents and characteristics including any pollutants in the discharge which are limited by any Federal, State, or local standards. Sampling and analysis will be undertaken in accordance with 40 CFR Part 136.

4. Time and duration of the discharge.
5. Daily maximum, daily average, and monthly average wastewater flow rates identified separately by regulated discharge streams, including daily, monthly and seasonal variations, if any.

6. Description of activities, facilities and plant processes on the premises, including a list of all raw materials and chemicals used at the facility which are or could accidentally or intentionally be discharged.

7. The site plans, floor plans, mechanical plans, plumbing plans, and details to show all sewers, floor drains and appurtenances by size, location and elevation.

8. Each product produced by type, amount, process or processes, and rate of production where production based National Categorical Standards may apply.

9. Type and amount of raw materials processed (average and maximum per day) where production based National Categorical Pretreatment Standards may apply.

10. Number and type of employees and hours of operation, and proposed or actual hours of operation of the pretreatment system.

11. Whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the Industrial User to meet all applicable Federal, State and local standards. If additional pretreatment and/or O&M will be required to meet the standards, the User shall indicate the shortest time schedule necessary to accomplish installation or adoption of such additional treatment and/or O&M. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions apply to this schedule:

   (a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction (as required) and operation of additional pretreatment required for the Industrial User to meet the applicable pretreatment standard (such events include hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, beginning operation and conducting routine operation). No increment referred to shall exceed nine months, nor shall the total compliance period exceed eighteen months.

   (b) No 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 City including, as a minimum, whether or not the progress increment referred to complied with the progress increment of progress, the reason for any delay, and if appropriate, the steps being taken by the User to return to the established schedule. In no event shall more than nine months elapse between such progress reports to the City.

12. A list of any environmental control permits held by or for the Facility.

13. The location(s) for monitoring all waste streams covered by the permit.

14. Any other information as may be deemed by the City to be necessary to evaluate the Permit application.

3.3 Certification Statement for Permit Applications, User Reports and Initial Monitoring Waiver

The following certification is required to be signed by an Authorized Representative as defined in Section 1.2:
“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Users that have an approved monitoring waiver based on Section 4.2(b) must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User.

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 C FR [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under the rules.

Application Signatories and Certifications

(a) All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 3.3.

(b) If the designation of an Authorized Representative is no longer accurate because a different individual or position has assumed responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the City prior to or together with any reports to be signed by an Authorized Representative.

3.4. Wastewater Discharge Permit Approval.

The City will evaluate the data furnished by the Industrial User. The City may require additional information. Within forty-five (45) days of receipt of a complete permit application, the City will determine whether to issue an individual wastewater discharge permit. The City may deny any application for an individual wastewater discharge permit and may require additional information. After evaluation of the data furnished, the City may issue a Permit subject to terms and conditions provided herein.

3.5. Wastewater Discharge Permit Contents

Wastewater Discharge Permits shall include such conditions as are reasonably deemed necessary by the City to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plan effluent, protect worker health and safety, facilitate treatment plan sludge management and disposal, protect ambient air quality, and protect against damage to the Facility. Permits must contain, but need not be limited to, the following:

(a) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;

(b) A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with Section 3.8 of these rules, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(c) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;

(d) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or Best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
(e) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 4.2(b).

(f) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

(g) Requirements to control Slug Discharge, if determined by the City to be necessary.

(h) Any grant of the monitoring waiver by the City (4.2(b)) must be included as a condition in the User’s Permit.

Wastewater discharge permits may contain, but need not be limited to, the following conditions:

1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.

2. Requirements for installation of pretreatment technology, pollution control, or construction of appropriate containment devices, etc. designed to reduce, eliminate, or prevent the introduction of pollutants into the Facility.

3. Requirements for the development and implementation of spill control plans or other special conditions including additional management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges.

4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the Facility.

5. The unit charge or schedule of user charges and fees for the management of wastewater discharged to the Facility.

6. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices.

7. A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit; and

8. Other conditions as deemed appropriate by the City to ensure compliance with this ordinance, and State and Federal laws, rules and regulations.

3.6 Permit Issuance Process

(a) Permit Duration: Permits shall be issued for a specified time period, not to exceed three (3) years. A Permit may be issued for a period less than three (3) years at the discretion of the City.

(b) Public Notification: The City will publish [in an official government publication and/or newspaper(s) of general circulation that provides meaningful public notice within the City, or on a website], a notice to issue a pretreatment permit, at least forty-five (45) days prior to issuance. The notice will indicate a location where the draft permit may be reviewed and an address where written comments may be submitted.

(c) Permit Appeals: Upon receipt of the Permit, the Industrial User may petition to appeal the terms of the permit. Such petition shall be made in writing to the City Manager within Fourteen (14) days from receipt of the Permit.
(1) Failure to submit a timely petition for review shall be deemed to be a waiver of the appeal.

(2) In its petition, the appealing party must indicate the Permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to be placed in the Permit.

(3) The effectiveness of the Permit shall not be stayed pending reconsideration by the City. If, after considering the petition and any arguments put forth by the User, the City determines that reconsideration is proper, it shall remand the Permit back for reissuance. Those Permit provisions being reconsidered by the City shall be stayed pending reissuance.

(4) City’s decision not to reconsider a final Permit shall be considered final administrative action for purposes of judicial review.

(5) Aggrieved parties seeking judicial review of the final City action must do so by filing a complaint with the Superior Court for Cumberland County within thirty (30) days of the City’s decision.

3.7 Permit Modification

The City may modify the Permit for good cause including, but not limited to, the following:

(a) To incorporate any new or revised Federal, State, or local pretreatment standards or requirements.

(b) Material or substantial alterations or additions to the Industrial User’s operation processes, or discharge volume or character which were not considered in drafting the original Permit.

(c) A change in any condition in either the Industrial User or the Facility that requires either a temporary or permanent reduction nor elimination of the permitted discharge.

(d) Information indicating that the permitted discharge poses a threat to the Facility, treatment plan personnel or the receiving waters.

(e) Violation of any terms or conditions of the Permit.

(f) Misrepresentation or failure to disclose fully all relevant facts in the Permit application or in any required reporting.

(g) Revision of or a grant of variance from National Categorical Standards pursuant to 40 CFR §403.13.

(h) To correct typographical or other errors in the Permit.

(i) To reflect transfer of the facility ownership and/or operation to a new User or;

(j) Upon a written request of the Industrial User, provided such request does not create a violation of any applicable requirements, standards, laws or rules and regulations.

The filing of a request by the Industrial User for a Permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Permit condition.

3.8 Permit Transfer

Permits may be reassigned or transferred to a new owner and/or operator whether by merger, sale of assets or otherwise, with prior written approval of the City with the following stipulations:

(a) The Industrial User must give at least forty-five (45) days advance notice of the proposed transfer to the City.
(b) The notice must include a written certification by the new owner which:

(1) States that the new owner has no immediate intent to change the facility’s operations and processes.

(2) Identifies the specific date on which the transfer is to occur.

(3) Acknowledges full responsibility for complying with the existing permit.

(4) Describes the new User, and gives the same information about the User as prescribed in Section 3.2.

3.9. Permit Termination

Permits may be terminated in accordance with the City Code of Ordinance for any of the following reasons:

(a) Failure to notify the City of significant changes to the wastewater prior to the changed discharge.

(b) Falsifying self-monitoring reports.

(c) Tampering with monitoring equipment.

(d) Refusing to allow timely access to the facility premises and records.

(e) Failure to meet effluent limitations.

(f) Failure to pay fines.

(g) Failure to pay sewer charges.

(h) Failure to meet compliance schedules.

(i) Any Pass-Through or Interference.

(j) Any other activity which may threaten the Facility, the City or District’s employees or the public.

Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a User are void upon the issuance of a new individual wastewater discharge permit to that User.

3.10. Permit Reissuance

The User shall apply for Permit reissuance by submitting a complete Permit application a minimum of sixty (60) days prior to the expiration of the User’s existing Permit.

3.11. Continuation of Expired Permits

An expired Permit will continue to be effective and enforceable until the Permit is reissued if:

(a) The Industrial User has submitted a complete Permit application at least sixty (60) days prior to the expiration date of the Industrial User’s existing Permit.

(b) The failure to reissue the Permit prior to expiration of the previous Permit is not due to any act or failure to act on the part of the Industrial User.
3.12. Special Agreements

Nothing in these Rules and Regulations shall be construed as preventing any special agreement or arrangement between the City and any Industrial User whereby wastewater of unusual strength or character is accepted into the Facility and specially treated and subjected to any payments or user charges as may be applicable or specially arranged. However, no discharge which violates these Rules and Regulations will be allowed under the terms of such special agreements. If, in the opinion of the City, the wastewater may have the potential to cause or result in any of the following circumstances, no such special agreement will be authorized:

(a) Pass-Through or Interference.

(b) Threaten the Facility, the City or District employees, or the public.

4. REPORTING REQUIREMENTS, MONITORING AND INSPECTIONS

4.1. Reporting Requirements

(a) Baseline Report: Within 180 days following the effective date of a National Categorical Pretreatment Standard, an existing Industrial User subject to said standard and currently discharging to or scheduled to discharge to the Facility shall submit to the City a report as prescribed under 40 CFR §403.12(b), which shall include the information required under Section 3.2.1., 2., 3., 5., 6., 11 and 12 of these Regulations. This report shall be signed by an Authorized Representative of the User and contain the certification statement in Section 3.3. of these Rules and Regulations. The report shall also contain a statement indicating whether Pretreatment Standards are being met on a consistent basis, and if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements.

At least ninety (90) days prior to commencement of discharge, New Sources and sources that become Industrial Users subsequent to the promulgation of an applicable National Categorical Standard, shall be required to submit to the City a report which contains the information required in these Rules and Regulations. Reports by New Sources shall include information on the method of pretreatment the new Source intends to use to meet applicable Pretreatment Standards. The report shall be signed by an Authorized Representative of the User and shall contain the certification statement in Section 3.3 of these Rules and Regulations. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(b) Compliance Certification: A statement, reviewed by the User’s Authorized Representative as defined in Section 1.2 and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

(c) Compliance Schedule Progress Reports: If the report described above states that additional pretreatment and/or Operation and Maintenance (O&M) will be required to meet the Pretreatment Standards and Requirements, the Industrial User shall submit to the City a compliance schedule as described in these rules. Not later than fourteen (14) calendar days following each date in the compliance schedule and the final date for compliance, the Industrial User shall submit a progress report to the City as prescribed under 40 CFR §403.12(c) in writing stating, at a minimum, whether or not the Industrial User 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 the delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the City. The reports shall be signed by an Authorized Representative of the User and contain the certification statement in Section 3.3 of these Rules and Regulations.

(d) Compliance Deadline Report: Within ninety (90) days following the date for final compliance or, in the case of a New Source, following commencement
of the introduction of wastewater into the Facility, any User subject to Pretreatment Standards or Requirements shall submit to the City a report in writing as prescribed under 40 CFR §403.12(d) indicating the nature and concentration of all pollutants in the discharge which are limited by Pretreatment Standards or Requirements, and the average and maximum daily flow of the wastewater containing such pollutants. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. The report shall also contain the certification statement in Section 3.3 of these Rules and Regulations.

(e) Periodic Continued Compliance Reports: Any User subject to a Pretreatment Standard or Requirement, after the compliance date for such Pretreatment Standard or Requirement, or, in the case of a New Source, after commencement of the discharge into the Facility, shall submit to the City during the months of June and December, unless required more frequently in the applicable Pretreatment Standard or Requirement or by the City, a report in writing as prescribed under 40 CFR §403.12(e) containing the results of sampling and analysis of the discharge, indicating the average and maximum daily flows and nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standard or Pretreatment Requirement. At the discretion of the City and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the City may agree to alter the months during which the above reports are to be submitted. The reports required under this Section 4.1 shall be signed by an Authorized Representative of the Industrial User, and shall contain the certification described in Section 3.3 of these Rules and Regulations.

(f) All Significant Industrial Users (Categorical and non-Categorical) must, at a frequency determined by the City submit no less than twice per year (June and December, or on dates specified) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the City or the Pretreatment Standard necessary to determine the compliance status of the User.

(g) All wastewater samples must be representative of the User’s discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

(h) Non-Significant Industries (N-S-I): Reporting of self-monitoring results shall be at a frequency determined by the City and designated in the N-S-I’s Industrial Discharge Permit.

(i) Elimination or change of Discharge: The Industrial User shall notify the City in writing 45 days prior to the permanent elimination of a discharge or any modification in the waste collection, treatment and disposal facilities, changes in operation, or other significant activities which alter the volume, nature or frequency of the discharge as specified in the Users Permit application.

(j) Notifications of Potential Problems: All Industrial Users shall notify the City immediately of all discharges that could cause problems to the Facility, including any slug loadings by an Industrial User.

(k) Notification of Hazardous Waste Discharge:

(1) An Industrial User shall notify the City, the EPA Regional Waste Management Division Director and the Director of DEP’s Division of Solid and Hazardous Waste, in writing, of any discharge into the Facility of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification shall include the name of the hazardous waste as set forth in 40 CFR Part 261, or 38 MRSA, Section 1301 et seq., the EPA hazardous waste number, and the type of discharge (continuous, bath, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the Facility, the notification shall also contain the following information to the extent such in formation is known and readily available to the User: an identification of the hazardous constituents contained in the
wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during the calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve months.

All existing Industrial Users must file such notifications by February 19, 1991. All Industrial Users who commence discharging after August 23, 1990 shall file the notification no later than one hundred eighty (180) days after the discharge of the listed or characteristic waste. Any notification under this Section need be submitted only once for each hazardous waste discharged. However, all Industrial Users must notify the City in accordance with these Rules and Regulations, of any change in their wastewater discharge. The notification requirement set forth herein does not apply to any pollutants already reported under the self-monitoring requirements set forth in these rules. Any such notification shall in no way remove the liability of the User for any damages caused by introduction of such hazardous waste.

(2) Industrial Users are exempt from the requirements above during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR §261.30(d) and 261.33(e). Discharge of more than fifteen kilograms of non-acute hazardous waste as specified in 40 CFR §261.30(d) and 261.33(e) requires a one-time notification. Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.

(3) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as hazardous waste, the Industrial User must notify the City, the EPA Regional Waste Management Division Director, and the Director of DEP’s Division of Solid and Hazardous Waste of the discharge of such substance within ninety (90) days of the effective date of such regulation.

(4) In the case of any notification made under this Section an Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

This provision does not create a right to discharge any substance not otherwise permitted to be discharged by these rules, a permit issued thereunder, or any applicable Federal or State law.

4.2 Monitoring and Analysis

(a) The reports required in Section 4.1 and such other reports as the City may require under these Rules and Regulations, shall contain the results of all sampling and analysis of the Industrial User’s discharge, whether or not conducted more frequently than required by the City, including the flow and the nature and concentration of pollutants contained therein which are limited by applicable Pretreatment Standards and Requirements. The sampling and analysis may be performed by the City in lieu of the Industrial User, in which event the Industrial User will not be required to submit the compliance certification set forth in Section 3.3 above. In addition, where the City collects all of the information required for the report, including analytical results and flow data, the Industrial User is not required to submit the report or compliance certification required therein.

If the Industrial User’s sampling indicates a violation, the User must notify the City within 24 hours of becoming aware of such violation. The User must also repeat the sampling and analysis and submit the results of the repeat analysis to the City within thirty (30) days after becoming aware of the violation. The Industrial User may not be required to resample, however, if the City performs sampling and analysis at the Industrial User for the parameter in violation between the time when the Industrial User performs its initial sampling and the time when said User receives the results of sampling, or if the City has performed the sampling & analysis in lieu of the Industrial User.

The frequency of monitoring shall be prescribed in the Wastewater Discharge Permit and, for Industrial Users subject to National Categorical Pretreatment Standards, shall not be less frequent than prescribed in Section 4.1. All analyses shall be performed in accordance with procedures established by the EPA pursuant to section 304(h) of the Act and contained in 40 CFR Part 136 and amendments thereto, or with any other test procedures
approved by the EPA. Where 40 CFR Part 136 does not include sampling or analytical techniques for the pollutants in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the City or other parties, approved by the EPA.

(b) The City may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User [see 40 CFR 403.12(e)(2)]. This authorization is subject to the following conditions:

1. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.

2. The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit.

3. In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility’s process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

4. The request for a monitoring waiver must be signed in accordance with Section 3.3, and include the certification statement in 3.3 (40 CFR 403.6(a)(2)(ii)).

5. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

6. Any grant of the monitoring waiver by the City must be included as a condition in the User’s permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the City for 3 years after expiration of the waiver.

7. Upon approval of the monitoring waiver and revision of the User’s permit by the City, the Industrial User must certify on each report with the statement in Section 3.3, that there has been no increase in the pollutant in its waste stream due to the activities of the Industrial User.

8. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User’s operations, the User must immediately: Comply with the monitoring requirements of Section 4.2, or other more frequent monitoring requirements imposed by the City and notify the City.

9. This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.

4.2.1 Reports of Changed Conditions

Each User must notify the City of any significant changes to the User’s operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

(a) The City may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 3.5 of these Rules.
(b) The City may issue an individual wastewater discharge permit under Section 3.10 of these Rules or modify an existing wastewater discharge permit under Section 3.7 of these Rules in response to changed conditions or anticipated changed conditions.

4.2.2 Reports of Potential Problems

(a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the City of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

(b) Within five (5) days following such discharge, the User shall, unless waived by the City, submit a detailed written report describing the cause(s) 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 might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to these Rules.

(c) A notice shall be permanently posted on the User’s bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (a) above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

(d) Significant Industrial Users are required to notify the City immediately of any changes at its facility affecting the potential for a Slug Discharge.

4.3. Record Keeping Requirements

(a) An Industrial User subject to the reporting requirements set forth in Section 4.1 shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by these Rules, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices. Such records shall include, for all samples:

(1) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;

(2) The dates analyses were performed;

(3) Who performed the analyses;

(4) The analytical techniques/methods used;

(5) The results of such analyses; and

(6) The results of any quality control procedures which may be required by the City.

(b) The Industrial User shall keep copies of all such records and reports of monitoring activities and results for a minimum of three (3) years, and shall make such records available for inspection and copying by EPA, DEP, District, and the City with or without notice. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Industrial User or the operation of the Facility pretreatment program, or when requested by the City, District, DEP or EPA.
4.4 Monitoring Facilities.

(a) The City may require each Industrial User to provide and operate, at the Industrial User’s own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the Industrial User’s premises, but the City may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area so that it will not be obstructed by landscaping or parked vehicles.

(b) There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition by and at the expense of the Industrial User.

(c) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City’s Requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification to the Industrial User by the City.

4.5 Inspection and Sampling

The City shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of these Rules and any individual wastewater discharge permit or order issued hereunder. Users shall allow the City ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(a) Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the City shall be permitted to enter without delay for the purposes of performing specific responsibilities.

(b) The City shall have the right to set up on the User’s property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User’s operations.

(c) The City may require the User to install monitoring equipment as necessary. The facility’s sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at a frequency determined by the City to ensure their accuracy.

(d) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the City and shall not be replaced. The costs of clearing such access shall be born by the User.

(e) Unreasonable delays in allowing the Superintendent access to the User’s premises shall be a violation of these Rules.

Search Warrants

If the City has been refused access to a building, structure, or property, or any part thereof, and demonstrable probable cause to believe that there may be a violation of these Rules, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with these Rules or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the City may seek issuance of a search warrant from the Maine State Court.
4.6. Confidentiality of Information

(a) In accordance with 40 C FR §403.14 and M RSA §401 et seq., any information and data concerning an Industrial User which is contained in or obtained from reports, questionnaires, Permit applications, Permits, monitoring programs, and inspections shall be available to the public and governmental agencies without restriction, unless the User specifically claims, and is able to demonstrate to the satisfaction of the City, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User in accordance with applicable law. Any such claim of confidentiality must be asserted at the time of submission in the manner prescribed on the application form or instructions and the words “CONFIDENTIAL BUSINESS INFORMATION” must be stamped or written on each page containing such information. If no claim is made, the City may make the information available to the public without further notice.

(b) Notwithstanding any claim of confidentiality, any information and data provided to the City which is effluent data, as defined at 40 C FR §2.302 (including, but not limited to, wastewater constituents and characteristics), shall be available to the public without restriction. All other information and data shall be available to the public at least to the extent provided by 40 CFR §2.302.

(c) Information accepted by the City as confidential shall not be made available for inspection by the public, except as provided by 40 C FR §2.302 and M RSA §401 et seq., but shall be made available upon written request to governmental agencies for uses related to these Rules and Regulations, the National Pollutant Discharge Elimination System (NPDES) Permit, DEP permit, and the industrial pretreatment program, provided, however, that such portions of a report shall be available for use by the State or any state agency, the City, or by the United States or EPA in criminal or civil judicial or administrative enforcement proceedings involving the user.

5. ENFORCEMENT

5.1. Notice of Violation

(a) When the City finds that a User has violated, or continues to violate, any provision of these Rules and Regulations, an Industrial Discharge Permit condition or order issued hereunder, the City may serve upon that User a written Notice of Violation. Within 10 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the City.

(b) When the City finds that a User has violated the discharge limitations as set forth in the User’s permit, the City will serve upon that User a written Notice of Violation. Within 5 days of the receipt of this notice, the User shall submit to the City a written report with corrective and preventive action taken to prevent recurrence.

(c) Nothing in this section shall limit the authority of the City to take any action, including emergency action or any other enforcement action, without first issuing a Notice of Violation. Submission of this plan or report in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation.

(d) If the User fails to respond to the Notice of Violation within the specified times noted above, or fails to provide the required information specified in the Notice of Violation, the City will take whatever measures necessary to correct or alleviate the violation. The District staff will be made available to assist in developing or implementing corrective measures, if requested by the City.

(e) If the City finds that a User has violated the discharge limitations as set forth in the User’s permit, the City will serve upon that User a written Notice of Violation. Within 5 days of the receipt of this notice, the User shall submit to the City a written report with corrective and preventive action taken to prevent recurrence.

(f) Nothing in this section shall limit the authority of the City to take any action, including emergency action or any other enforcement action, without first issuing a Notice of Violation. Submission of this plan or report in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation.
prohibited wastes or flow equalization facilities, will be done entirely at the cost of the Industrial User and subject to review and approval of the City.

5.2. Penalties

Any person failing to comply with or violating any provision of these Rules shall be served by the Department with written notice stating the nature of the failure or violation and providing a reasonable time limit for the satisfactory correction thereof. Such person shall, within the period of time stated in such notice, permanently cease or correct all such failures or violations. Any person who shall continue any failure or violation beyond the time limit required for compliance in any notice given pursuant to this section shall be guilty of an offense. Any person violating any of the provisions of these Rules shall be liable to the City and shall be assessed a civil penalty of a minimum of one thousand dollars ($1000.00) per day for each violation of industrial pretreatment standards and requirements, and in addition, shall be liable for any expense, loss, or damage occasioned by the City by reason of such violation. The City may seek injunctive relief for the purposes of enforcing these Rules.

5.3. Appeals Process

(a) Whenever the person receiving written notice shall deem himself aggrieved by an order made by the City, that person may file an appeal to the City Manager within ten (10) days of the date of the written notice, and the person shall be afforded a hearing on the matter before the City Manager or their designee, and unless by their authority the aggrieved order is revoked, such order shall remain in force and be forthwith complied with by this person.

(b) In cases of applicability or interpretation of these Rules, the City Manager may revoke such order made by the City.

(c) In cases where compliance with such order made by the City would cause undue hardship, the City Manager may extend the time limit of such order or they may permit exceptions to, or waive requirements of, or grant a variance from the specific provisions of this article, subject always to the rule that the City Manager shall give due consideration to the purposes of this article in eliminating existing pollution, preventing further pollution and promoting the public health, safety and welfare.

5.4. Enforcement Response Plan

The City shall maintain and enforce an Enforcement Response Plan (ERP) to specify detailed procedures which the representatives of the City will follow to adequately investigate and respond to instances of Industrial User non-compliance with the City of Portland/Portland Water District Industrial Pretreatment Program. A copy of this ERP shall be available from the Department.
1. SCHEDULE “A”

PORTLAND WATER DISTRICT, PORTLAND POTW AND WESTBROOK INTERMUNICIPAL SEWER SERVICE AGREEMENT AREA

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Discharge Limits mg/L Daily Maximum</th>
<th>Parameter</th>
<th>Discharge Limits mg/L Daily Maximum</th>
</tr>
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<tbody>
<tr>
<td>BOD*</td>
<td>3,000</td>
<td>BOD</td>
<td>1401.0</td>
</tr>
<tr>
<td>TSS*</td>
<td>1,500</td>
<td>TSS</td>
<td>2,824.0</td>
</tr>
<tr>
<td>Arsenic*</td>
<td>1.0</td>
<td>Arsenic</td>
<td>0.013</td>
</tr>
<tr>
<td>Cadmium</td>
<td>0.024</td>
<td>Cadmium</td>
<td>0.0132</td>
</tr>
<tr>
<td>Chromium</td>
<td>1.90</td>
<td>Chromium</td>
<td>2.35</td>
</tr>
<tr>
<td>Copper</td>
<td>1.88</td>
<td>Copper</td>
<td>0.68</td>
</tr>
<tr>
<td>Cyanide</td>
<td>0.05</td>
<td>Cyanide</td>
<td>0.52</td>
</tr>
<tr>
<td>Hydrocarbon (NPM)</td>
<td>100</td>
<td>Not Applicable</td>
<td></td>
</tr>
<tr>
<td>Lead</td>
<td>0.60</td>
<td>Lead</td>
<td>0.33</td>
</tr>
<tr>
<td>Mercury</td>
<td>0.014</td>
<td>Mercury</td>
<td>0.0037</td>
</tr>
<tr>
<td>Nickel**</td>
<td>0.76</td>
<td>Nickel</td>
<td>0.29</td>
</tr>
<tr>
<td>Silver</td>
<td>0.42</td>
<td>Silver</td>
<td>0.12</td>
</tr>
<tr>
<td>Total Oil &amp; Grease</td>
<td>500</td>
<td>Total Oil &amp; Grease</td>
<td>100</td>
</tr>
<tr>
<td>Zinc</td>
<td>2.57</td>
<td>Zinc</td>
<td>1.06</td>
</tr>
</tbody>
</table>

*Three year screening limit: For a period of three (3) years, licensees shall take all reasonable measures to comply with the screening limits. During the three year period, the City will exercise its enforcement discretion on a case-by-case basis with regard to screening limit violations. Violations of the screening limits that occur as the result of normal, routine operations will not result in any fines, public notices or formal compliance schedules. However, other resultant violations of the screening limits, including but not limited to operator error, mechanical or electrical failures, inappropriate procedures, failure to notify or mitigate, spills or slug releases, and natural events may result in formal enforcement action. Additionally, discharge violations in excess of 10,000 mg/L of BOD, 5,000 mg/L of TSS or 2.0 mg/L of Arsenic will result in formal enforcement action. No significant capital improvements related to BOD and/or TSS reduction shall be required of Industrial Users prior to an upgrade to the dewatering system at the East End Wastewater Treatment Facility, which will occur prior to April 1, 2012. The City shall issue annual progress reports and shall work with licensees to technically assist them in reaching compliance with the screening limits. Nothing herein shall prevent the City from enforcing all other Industrial Pretreatment regulations.

**Metal Finisher required to meet Categorical Maximum 30 day Average Nickel Discharge Limit of 2.38 mg/L.

INDUSTRIAL USER LIMIT VARIANCE FOR THE WESTBROOK INTERMUNICIPAL SEWER SERVICE AREA ONLY

The Control Authority may grant a variance to an industrial user discharging into the sewer system when the industrial user provides sufficient historical documentation to support such request. The Control Authority must determine that allowing such a variance will not:

a) result in an increase of the Maximum Allowable Industrial Headworks Loading  
b) result in a non permitted discharge from the POTW  
c) adversely affect the treatment of wastewater  
d) adversely impact the sanitary sewer system  
e) be in violation of any applicable local, state or federal law or regulation

Should such variances be authorized, any industrial user receiving the variance will impact the total available loadings to other industrial facilities within the treatment system. The Control Authority will be required to assess the effectiveness of any variances. Modifications to local, state or federal requirements or wastewater characteristic changes within the wastewater system would also require the reevaluation of any variances.

A variance may be revoked at any time at the discretion of the Control Authority (Portland Water District)
Exhibit “B”
Portland-Westbrook Intermunicipal Sewer Service Area

Map prepared by the City of Portland’s Department of Public Works and the GIS Workgroup. June 2005
<table>
<thead>
<tr>
<th>NONCOMPLIANCE</th>
<th>CIRCUMSTANCES</th>
<th>RANGE OF RESPONSE</th>
<th>WHO</th>
<th>TIME FRAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Failure to Sample, Monitor, or Report (Routine Reports, BMR's, CMP's)</td>
<td>Isolated or infrequent (5 days late)</td>
<td>Phone call or NOV requiring report within 10 days.</td>
<td>TECH</td>
<td>48 hrs</td>
</tr>
<tr>
<td></td>
<td>IU does not respond to NOV (30 days or more late-SNC)</td>
<td>Administrative Order, Public notification</td>
<td>PC</td>
<td>5 days</td>
</tr>
<tr>
<td></td>
<td>IU does not respond to A.O.</td>
<td>Possible fine / judicial action.</td>
<td>CA</td>
<td>10 days</td>
</tr>
<tr>
<td></td>
<td>Frequently late uncorrected after A.O.</td>
<td>Possible fine / judicial action.</td>
<td>CA</td>
<td>10 days</td>
</tr>
<tr>
<td>Failure to notify of effluent limit violation, spill or slug discharge</td>
<td>Isolated or infrequent. No known effect to POTW or environment</td>
<td>NOV requiring written report within 5 days detailing corrective and preventive actions taken.</td>
<td>TECH</td>
<td>48 hrs</td>
</tr>
<tr>
<td></td>
<td>Frequent or continued violation or no response to NOV - SNC</td>
<td>A.O. Show cause hearing Public notification, Possible Fine / Judicial Action</td>
<td>PC,CA</td>
<td>5 days</td>
</tr>
<tr>
<td></td>
<td>Known environmental or POTW damage results - SNC</td>
<td>Possible immediate sewer ban. Public notification Fine / Judicial action</td>
<td>PC,CA</td>
<td>10 days</td>
</tr>
<tr>
<td>Minor sampling, monitoring or reporting deficiencies</td>
<td>Isolated or infrequent.</td>
<td>Phone call or NOV requesting correction within 10 days.</td>
<td>TECH</td>
<td>48 hrs</td>
</tr>
<tr>
<td></td>
<td>No response to NOV</td>
<td>A.O. Show cause hearing Possible public notification</td>
<td>PC</td>
<td>10 days</td>
</tr>
<tr>
<td>Minor violation of Analytical procedure</td>
<td>No evidence of negligence or willful intent</td>
<td>NOV Require written response within 10 days documenting corrective action taken. May require re-analysis</td>
<td>TECH</td>
<td>48 hrs</td>
</tr>
<tr>
<td></td>
<td>Evidence of negligence or willful intent</td>
<td>Administrative Order Public notification Possible Fine assessed</td>
<td>PC,CA</td>
<td>10 days</td>
</tr>
<tr>
<td>Major or gross sampling, monitoring or reporting deficiencies (missing information, late reports)</td>
<td>Isolated or infrequent.</td>
<td>NOV requesting correction within 10 days.</td>
<td>TECH</td>
<td>48 hrs</td>
</tr>
<tr>
<td></td>
<td>No response to NOV</td>
<td>A.O. Public Notification Possible Fine / Judicial Action</td>
<td>PC,CA</td>
<td>5 days</td>
</tr>
<tr>
<td>Reporting false information</td>
<td>Any instance - SNC</td>
<td>A.O. Public notification Fine / Judicial action</td>
<td>PC,CA</td>
<td>10 days</td>
</tr>
<tr>
<td>Missed interim date (compliance schedule)</td>
<td>Missed milestone by &lt;30 days Will not cause late final or other interim dates</td>
<td>NOV - require documentation and issue new dates if necessary</td>
<td>TECH</td>
<td>48 hrs</td>
</tr>
<tr>
<td></td>
<td>Missed milestone by &gt;30 days Will result in other missed interim dates. Violation for valid cause.</td>
<td>A.O. - show cause hearing Possible public notification</td>
<td>PC</td>
<td>5 days</td>
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<tr>
<td></td>
<td>Failure or refusal to comply with A.O. SNC</td>
<td>Possible immediate sewer ban Public Notification Fine / Judicial Action</td>
<td>PC,CA</td>
<td>10 days</td>
</tr>
<tr>
<td>Failure to install monitoring equipment within specified timeframe i.e. pH meters, flow meters, control manholes</td>
<td>Delay &lt; 30 days beyond due date</td>
<td>Phone call, NOV</td>
<td>TECH</td>
<td>48 hrs</td>
</tr>
<tr>
<td></td>
<td>Delay &gt; 30 days - SNC</td>
<td>A.O.- Require immediate installation and provision of interim monitoring Public notification</td>
<td>PC</td>
<td>5 days</td>
</tr>
<tr>
<td></td>
<td>Failure to Comply with A.O.</td>
<td>Fine / Judicial Action</td>
<td>CA</td>
<td>5 days</td>
</tr>
<tr>
<td>Exceed discharge limits (categorical or local) or Prohibited discharge</td>
<td>Infrequent or isolated minor violation</td>
<td>Phone Call - NOV requiring written report within 5 days with corrective and preventive action taken to prevent recurrence.</td>
<td>TECH</td>
<td>48 hrs</td>
</tr>
<tr>
<td></td>
<td>Continued recurring major violations No environmental and/or POTW damage</td>
<td>A.O. Compliance schedule Possible public notification</td>
<td>PC</td>
<td>5 days</td>
</tr>
<tr>
<td></td>
<td>Continued recurring environmental and/or POTW damage SNC</td>
<td>Compliance schedule Public Notification Immediate Sewer Ban</td>
<td>PC</td>
<td>5 days</td>
</tr>
<tr>
<td></td>
<td>Failure to comply with A.O.</td>
<td>Fine / Judicial Action</td>
<td>CA</td>
<td>5 days</td>
</tr>
</tbody>
</table>
## NONCOMPLIANCE

### CIRCUMSTANCES

<table>
<thead>
<tr>
<th>Noncompliance</th>
<th>Isolated without known damage</th>
<th>Isolated with known interference</th>
<th>Recurring SNC</th>
<th>Minor violation of permit condition</th>
<th>Discharge without a permit or approval (New Source)</th>
<th>Nonpermitted Discharge (failure to renew)</th>
<th>Wastestreams are diluted in lieu of treatment</th>
<th>Failure to mitigate non-compliance or halt production to prevent possible POTW upset</th>
<th>Entry denial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Required report</td>
<td>Require written report within 5 days detailing corrective and preventive actions taken</td>
<td>A.O. Show cause hearing. Notification Possible Immediate Sewer ban</td>
<td>Fine / Judicial Action</td>
<td>NOV Immediate correction required. Respond within 10 days.</td>
<td>NOV - Require completion of permit application within 10 days</td>
<td>A.O. - with show cause hearing</td>
<td>Phone call; NOV</td>
<td>A.O. Show cause hearing Compliance Schedule</td>
<td>Obtain warrant and return to IU</td>
</tr>
<tr>
<td>No response to A.O.</td>
<td>No response to A.O.</td>
<td>No response to A.O.</td>
<td>NOV - Require completion of permit application within 10 days</td>
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</tr>
<tr>
<td>Minor violation of permit condition</td>
<td>No evidence of negligence or willful intent</td>
<td>Evidence of negligence or willful intent – SNC</td>
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<td>No evidence of negligence or willful intent – SNC</td>
</tr>
<tr>
<td>Discharge without a permit or approval (New Source)</td>
<td>One time without known environmental or POTW damage</td>
<td>Continuing violation (e.g. refusal to apply)</td>
<td>Results in environmental damage and/or POTW damage</td>
<td>Initial violation</td>
<td>IU not submitted application within 15 days of due date</td>
<td>IU fails to submit application 10 days after NOV</td>
<td>IU fails to reapply prior to permit expiration</td>
<td>No known environmental damage and/or POTW damage</td>
<td>Entry denied or consent withdrawn. Copies of records denied</td>
</tr>
<tr>
<td>Nonpermitted Discharge (failure to renew)</td>
<td>IU not submitted application within 15 days of due date</td>
<td>IU fails to submit application 10 days after NOV</td>
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<td>Wastestreams are diluted in lieu of treatment</td>
<td>Initial violation</td>
<td>IU not submitted application within 15 days of due date</td>
<td>IU fails to submit application 10 days after NOV</td>
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### WHO

<table>
<thead>
<tr>
<th>Who</th>
<th>TECH</th>
<th>PC</th>
<th>CA</th>
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</thead>
<tbody>
<tr>
<td>TECH</td>
<td>48 hrs</td>
<td>5 days</td>
<td>5 days</td>
</tr>
<tr>
<td>PC</td>
<td>10 days</td>
<td>PC 10 days</td>
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<td>5 days</td>
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</tr>
<tr>
<td>TECH</td>
<td>48 hrs</td>
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<tr>
<td>PC</td>
<td>5 days</td>
<td>5 days</td>
<td></td>
</tr>
<tr>
<td>CA</td>
<td>5 days</td>
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<td></td>
</tr>
<tr>
<td>TECH</td>
<td>48 hrs</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### TIME FRAME

- **Note:** All time frames are normal working hours and days.

---

**Legend:**

- AO - Administrative Order
- BMR - Baseline Monitoring Report
- CA - City Attorney
- CMP - Chemical Management Plan
- IU - Industrial User
- PC - Pretreatment Coordinator
- POTW - Publicly Owned Treatment Works
- SNC - Significant Non-Compliance
- TECH - Pretreatment Technician
- NOV - Notice of Violation

- **NOTE:** All time frames are normal working hours and days.