

## Exhibit A

### Sec. 74.030. - Definitions.

Unless the context specifically indicates otherwise, as used in this chapter, and in regulations and permits adopted pursuant to this chapter, the following mean:

*Act or the Act* means the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977, 33 USC 1251 et seq.

*Authorized representative of the industrial user.*

- (a) If the industrial user is a corporation, an authorized representative means an officer of the corporation, or any other person who has formal authority to perform similar policy or decision-making functions for the corporation.
- (b) If the industrial user is a partnership, association, or sole proprietorship, an authorized representative means a general partner or the sole proprietor.
- (c) If the industrial user is a federal, state, or local government, an authorized representative means a Director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility.
- (d) Any authorized representative of an industrial user may designate another person to serve as an authorized representative, if the authorization is submitted to the City in writing and the authorization specifies the person having responsibility for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the industrial user.

*Best Management Practices (BMPs)* The schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to as described in 109-001 109-007-public-works-design-standards, DIVISION 003 SANITARY SEWER COLLECTION SYSTEM, 3.4—Pretreatment and Monitoring Systems to implement the prohibitions listed in section 40 CFR 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.

*BOD* means biochemical oxygen demand; the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20 degrees centigrade expressed in terms of weight and concentration (milligrams per liter mg/l).

*Categorical pretreatment standard* means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with 33 USC 1317(b), which applies to a specific category of industrial users and which appears in 40 CFR chapter I, subchapter N, parts 405—471, incorporated herein by reference.

*CFR* means the Code of Federal Regulations.

*Clean Air Act* means 42 USC 7401 et seq.

*Color* means the optical density at the visual wavelength of maximum absorption, relative to distilled water (100 percent transmittance is equivalent to zero (0.0) optical density).

*Composite sample* means the sample resulting from the combination of individual wastewater samples taken at selected intervals, based on either an increment of flow or time.

*Control authority* means the Director. ~~onee the city,~~ The control authority has a pretreatment program approved by Oregon DEQ according to the provisions of 40 CFR 403.11.

*Cooling water* means the water discharged from any use to which the only pollutant added is heat, including uses such as air conditioning, cooling, or refrigeration.

*DEQ* means the Oregon Department of Environmental Quality or, where the context indicates, the Director or other duly authorized DEQ official.

*Discharge* means the introduction of pollutants into the municipal wastewater system from any nondomestic source regulated under 33 USC 1317(b), (c) or (d).

*EPA* means the U.S. Environmental Protection Agency or, where the context indicates, the Regional Water Management Division Director of the EPA, or other duly authorized EPA official.

*Existing source* means any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards under 33 USC 1317(b) and (c), which standards will be applicable to the source if the standards are thereafter adopted in accordance with that section.

*Fundamentally different factors* means information not originally considered by EPA when pretreatment standards were developed affecting the discharge limits established for a certain industrial category or subcategory, which affects the discharge and makes it necessary to perform an individual analysis and adjustment of discharge limits on a case-by-case basis (40 CFR 403.13). The information can include the nature or quality of pollutants in the raw waste load of the users process wastewater, the volume of process wastewater, non-water quality environmental impact of control and treatment technology, energy requirements of control and treatment technology, cost of compliance with control technology, age, size, land availability, processes employed, process changes, and engineering aspects of the application of control technology.

*Grab sample* means a sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

*Industrial user* means a user that is a source of nondomestic pollutants.

*Industrial wastewater* means nondomestic wastewater originating from a nonresidential source.

*Interference* means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- (a) Inhibits or disrupts the municipal wastewater system, its treatment processes or operations, or its sludge processes, use, or disposal; and
- (b) Causes a violation of the NPDES permit, including an increase in the magnitude or duration of a violation, or prevents the use or disposal of sewage sludge in compliance with 33 USC 1345, the Solid Waste Disposal Act; the Resource Conservation and Recovery Act; 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; the Marine Protection Research and Sanctuaries Act; or any more stringent state or local regulations.

*Local limits* means specific prohibitions or limits on pollutants or pollutant parameters for wastewater discharged to the sanitary sewer, developed by the POTW as required by 40 CFR 403.5, to prevent pass through and/or interference in the POTW or which may result in the POTW violating its NPDES permit requirements.

*Marine Protection Research and Sanctuaries Act* means 16 USC 1431 et seq.

*Medical waste* means isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, or dialysis wastes.

*Municipal wastewater system* means a publicly-owned municipal wastewater treatment works (POTW), as defined in 33 USC 1292(2), owned by the City, and including any appurtenances thereof, used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes, the means of conveyance of wastewater to the treatment plant, and sewers that convey wastewater to the treatment works from persons outside the City who are direct or indirect users of the publicly-owned municipal wastewater system.

*New source.*

- (a) 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 33 USC 1317(c), which standards will be applicable to the source if such pretreatment standards are thereafter adopted in accordance with that section, provided that:
  - (1) The building, structure, facility, or installation is constructed at a site at which no other source is located;
  - (2) The building, structure, facility, or installation completely replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - (3) The production or wastewater generating processes at 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 will be considered.
- (b) 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 SRC 74.030(z)(1)(B) and (C), but otherwise alters, replaces, or adds to the existing process or production equipment at the site.
- (c) Construction of a new source as defined under this definition has commenced if the owner or operator has:
  - (1) Begun, or caused to begin, as part of a continuous on-site construction program:

- (A) Any placement, assembly, or installation of facilities or equipment; or
  - (B) 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 facilities or equipment; or
- (2) 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 subsection.

*Non-Discharging Categorical Industrial User (NDCIU)* means industrial user, who would otherwise be subject to categorical pretreatment standards and requirements, that does not discharge or have the potential to discharge regulated industrial wastewater to the POTW.

*Nondomestic pollutants* means any pollutants other than human waste and household gray water.

*NPDES permit* means the National Pollutant Discharge Elimination System Permit issued to the City.

*Obstruct* means a discharge which blocks, closes or hinders passage, action or operation.

*Pass through* means a discharge which exits the treatment plant into the 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 a violation of the NPDES permit, including an increase in the magnitude or duration of a violation.

*Person* means any individual, partnership, copartnership, firm, company, corporation, limited liability company, association, joint stock company, trust, estate, any state, federal or local governmental entity or other entity in law or fact, and including the entity's, officers, officials, employees, agents, or assigns.

*pH* means the logarithm (base 10) of the reciprocal of the hydrogen ion concentration, expressed in moles per liter of solution.

*Pollutant* means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, dirt, agricultural wastes, or other similar substances.

*Pretreatment* means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the municipal wastewater system. This reduction or alteration may be obtained by physical, chemical, or biological processes, by process changes, or by other means.

*Pretreatment requirement* means any state or City substantive or procedural requirement related to pretreatment or discharge limitations, other than pretreatment standards, imposed on an industrial user.

*Pretreatment standard* means any federal regulation containing pollutant discharge limits promulgated by EPA under 33 USC 1317(b) and (c) applicable to industrial users, including the

general and specific prohibitions found in 40 CFR 403.5; any local limits developed by the City pursuant to 40 CFR 403.5(d).

*Prohibited discharge standards or prohibited discharges* means absolute prohibitions against the discharge of certain types or characteristics of wastewater, as established by EPA, DEQ, or the Director.

*Publicly owned treatment works (POTW)* means a treatment works as defined in 33 USC 1292(2), owned by the City, and including any appurtenances thereof, used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes, the means of conveyance of wastewater to the treatment plant, and sewers that convey wastewater to the treatment works from persons outside the City who are direct or indirect users of the publicly-owned municipal wastewater system.

*Residential users* means persons contributing only domestic sewage to the municipal wastewater system.

*Resource Conservation and Recovery Act* means 42 USC 6901 et seq.

*Sewage* means the wastewater derived from human habitation and use of buildings for domestic, commercial, or industrial purpose, which is free from industrial waste and stormwater drainage.

*Significant industrial user* means:

- (a) A user subject to categorical pretreatment standards; or
- (b) A user that:
  - (1) Discharges an average of 25,000 gallons per day or more of process wastewater into the municipal wastewater system, excluding sanitary, noncontact cooling, and boiler blow down wastewater;
  - (2) Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the treatment plant; or
  - (3) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the municipal wastewater system's operation or for violating any pretreatment standard or pretreatment requirement.

*Slug* means any pollutant, including BOD, released in a nonroutine, episodic nature, including, but not limited to, an accidental spill or noncustomary batch discharge at a flow rate or concentration which has the potential to cause interference or pass through or in any other way cause an adverse impact on the municipal wastewater system or in any other way violate the POTW's regulations, local limits, or permit conditions of discharge prohibitions in SRC 74.050 through 74.100.

*Solid Waste Disposal Act* means 42 USC 6901 et seq.

*Stormwater* means any flow occurring as a result of any form of natural precipitation, including snowmelt.

*Toxicity* means the effect upon living organisms resulting from exposure to one or more of the pollutants listed in EPA regulations promulgated under 33 USC 1317.

*Toxic Substances Control Act* means 15 USC 2601 et seq.

*Treatment plant* means that portion of the municipal wastewater system designed to provide treatment of sewage and industrial wastewater.

*Treatment plant effluent* means any discharge of treated wastewater which is permitted by NPDES permit.

*TSS* means total suspended solids; the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

*User* means any person who contributes, or causes or allows the contribution of, sewage or industrial wastewater into the municipal wastewater system, including any person who contributes such wastes from mobile sources.

*Wastewater* means the liquid- and water-carried industrial wastes, or sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which is contributed to the municipal wastewater system.

*Waters of the State* means the receiving streams or waters, which are contained within, flow through, or border upon the State, or any portion thereof, including, but not limited to, all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private.

Sec. 74.050. - Prohibited discharges.

- (a) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater into the municipal wastewater system which will cause interference or pass through, whether or not the user is subject to categorical pretreatment standards or any other pretreatment standards or requirements. These general prohibitions apply to all users of the municipal wastewater system.
- (b) No user shall contribute any of the following substances into the municipal wastewater system, unless specifically authorized by the Director and such discharge does not exceed specific prohibitions as found in 40 CFR 403.5(b) or other applicable pretreatment standards:
  - (1) Any liquids, solids, or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or to be injurious in any other way to the municipal wastewater system. Included in this prohibition are waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees centigrade) using the test methods referred to in 40 CFR 261.21.
  - (2) Solid or viscous substances in amounts which will obstruct the flow in a sewer resulting in interference, but in no case solids greater than one-half-inch (1.27 centimeters) in any dimension.
  - (3) Any fat, oils or grease, including, but not limited to, petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.

- (4) Any wastewater which may cause corrosive structural damage to the municipal wastewater system, but in no case Discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such Discharges; endanger the health or safety of city personnel, cause damage to City equipment, or endanger biological activity of the municipal wastewater system.
- (5) Any wastewater containing pollutants in sufficient quantity, measured in flow or concentration, which, either singly or by interaction with other pollutants, will interfere with the municipal wastewater system, or cause pass through, or which constitute a hazard to humans or animals.
- (6) Any noxious or malodorous liquids, gases, or solids, or wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- (7) Any substance which may cause the treatment plant effluent or any other residues, sludges, or scums to be unsuitable for reclamation and reuse or which may interfere with the reclamation process. In no case shall a substance discharged to the municipal wastewater system cause the City to violate sludge use or disposal regulations or permits issued under 33 USC 1345, the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state requirements applicable to the sludge use and disposal practices being used by the City.
- (8) Any wastewater, including, but not limited to, dye wastes and vegetable tanning solutions, which imparts color which cannot be removed by the treatment process, and thereby causes a violation of the NPDES permit. Color, in combination with turbidity, shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent from the seasonably established norm for aquatic life.
- (9) Any wastewater having a temperature greater than 150 degrees Fahrenheit (65 degrees centigrade), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the point of introduction into the treatment plant to exceed 104 degrees Fahrenheit (40 degrees centigrade).
- (10) Any wastewater containing any radioactive waste or isotopes, except as specifically approved by the Director in compliance with applicable state or federal regulations.
- (11) Any pollutants which result in the presence of toxic gases, vapor, or fumes within the municipal wastewater system in a quantity that may affect worker health and safety.
- (12) Any trucked or hauled pollutants, except at discharge points designated by the City in accordance with SRC 74.180.
- (13) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, cooling water, and unpolluted industrial wastewater, unless specifically authorized by the Director.
- (14) Any sludge, screenings, or other residues from the pretreatment of industrial wastes.
- (15) Any medical wastes, except as specifically authorized by the Director.

- (16) Any material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfere with the municipal wastewater system.
  - (17) Any material not excluded from regulation 40 CFR 261.4, and if the material exhibits the characteristics of hazardous waste as defined by 40 CFR 261 subpart C or D. identified as hazardous waste under 40 CFR 261, except as specifically authorized by the Director.
  - (18) Any wastewater causing the treatment plant effluent to demonstrate toxicity to test species during a biomonitoring evaluation.
  - (19) Recognizable portions of the human or animal anatomy.
  - (20) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the municipal wastewater system.
- (c) No user shall store or process wastes identified in subsection (b) of this section in such a manner that the wastes could be discharged into the municipal wastewater system.

Sec. 74.410. - Sample collection.

Wastewater samples collected for purposes of determining industrial user compliance with pretreatment standards and pretreatment requirements must be obtained using flow proportional composite collection techniques. In the event that flow proportional sampling is infeasible, the Director may authorize the use of time proportional sampling if time proportional sampling is representative of the discharge, and the City must document its decision to allow time proportional sampling for the specific industrial user. Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be obtained using grab sample collection techniques described in SRC 74.350(c)(5)(C).

Sec. 74.455. - RCRA notification.

In compliance with 40 CFR 403.12 (p), Industrial users shall notify the Director, EPA, and DEQ in writing of any discharge into the municipal wastewater system of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261.

Sec. 74.500. - Confidential information.

- (a) Information and data on an industrial user obtained from reports, questionnaires, permit applications, permits, monitoring programs, and City inspection and sampling activities shall be available to the public without restriction unless the industrial user specifically requests and is able to demonstrate to the satisfaction of the City Attorney that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets, and are exempt from disclosure under applicable law.
- (b) Wastewater constituents and characteristics and other effluent data as defined by 40 CFR 2.302 are not confidential and will be available to the public without restriction.



- (c) Any information determined to be exempt from disclosure under subsection (a) of this section shall remain confidential, and portions of a report which might disclose trade secrets or secret processes shall not be available for public inspection, provided that such information shall be made available to governmental agencies, such as authorized EPA representatives (contractor or subcontractor) and state or local governmental agencies, for uses related to this chapter or the NPDES program. Notwithstanding subsection (a) of this section, no information is confidential if the information is relevant to, and necessary for, enforcement proceedings involving the person furnishing the report.
- (d) For the purposes of this section, a specific request is made when the words "confidential business information" are stamped on each page containing such information. If no such specific request is made at the time of furnishing the report, the City may make the information available to the public without further notice.
- (e) All costs, expenses and attorney's fees associated with defending a request for confidential information shall be the responsibility of the industrial user requesting confidentiality.