ARCH CAPE SANITARY DISTRICT MINUTES

16 November 2018

A quorum was present.

Sanitary Board: Ron Schiffman, President

Virginia Birkby, Vice-President

Debra Birkby, Treasurer

Darr Tindall Casey Short

Public: Rand Dufka

David and Jeannie Stockton

Staff: Phil Chick, District Manager

Steve Hill, Secretary

Mr. Ron Schiffman called the meeting to order at 7:21 pm.

Public Comment: Mr. David Stockton said he loved how this meeting is being run.

Agenda: Add direction to the President and District Manager regarding enforcement of ORD 18-01 Sewer Connections, pull the Treasurer's report, and ratify approval of the September 16th minutes. Ms. Debra Birkby moved acceptance of the agenda as amended which was seconded by Ms. Tindall. All in favor. Motion carried.

Consent Agenda: Pull the October 19th minutes. Ms. Debra Birkby moved acceptance of the consent agenda as amended which was seconded by Ms. Tindall. All in favor. Motion carried.

Old Business:

September 16, 2018 Minutes: (Action) Mr. Short moved ratification of the board's approval of the September 16th minutes in the October 19th meeting which was seconded by Ms. Tindall. All in favor. Motion carried.

October 19, 2018 Minutes: (Action) Ms. Tindall moved approval of the October 19th minutes which was seconded by Ms. Debra Birkby. Ms. Virginia Birkby, Ms. Debra Birkby, Ms. Tindall and Mr. Schiffman voted yes. Mr. Short abstained. Motion carried.

Wastewater Plant Access Road Easement: (Information) Mr. Chick said he had received an e-mail response from the Gredvig's to the letter (attached) he had sent on October 26, 2018. He said he would arrange a time that public access to the waste water treatment plant could be discussed.

Webb Lift Station Replacement Financial Assumptions: (Information) Mr. Chick said that it would be necessary to advance the Webb lift station rebuild from Fiscal Year 2024-25 to FY 2021-22 at an estimated cost of approximately \$150K. Pump number two was recently repaired for \$4.5K and Flygt did some preventative maintenance to pump number one which would hopefully carry this lift station to FY 2020-21. It was explained that financing (attached) of this future major work could be through a one time assessment of \$441.00 for all 340 customers then existing; by collection of the needed funds over the remaining ten (10) quarterly periods with a special \$44.00 rate increase timed to coincide with the upgrade work or through an IFA Business Oregon loan with rates adjusted to service that loan over the number of years permitted. The Board wished to address this issue again at the next budgeting cycle in the spring of 2019.

Billing Appeal Request for 79905 Anvil Rock Road: (Action) Ms. Debra Birkby moved approval of Mr. Dufka's payment proposal of a three year average of excess charges which was seconded by Ms. Tindall. A discussion ensued with a focus upon determining whether an adjustment is justified. Mr. Schiffman voted yes. Ms. Debra Birkby, Ms. Virginia Birkby, Mr. Short and Ms. Tindall voted no. Motion failed. The applicant was asked to address the board.

Mr. Rand Dufka commented upon the unusual nature of the excess usage he had recently experienced and his offer to pay the prior three year average in lieu of the outstanding excess portion of the September 10, 2018 quarterly bill.

Mr. Short moved relief of the outstanding excess portion of the September 10, 2018 bill and to charge \$882.45 in it's place which was seconded by Ms. Tindall. Ms. Virginia Birkby voted no. Ms. Debra Birkby, Mr. Short, Ms. Tindall and Mr. Schiffman voted yes. Motion carried.

Direction to the President & District Manager regarding ORD 18-01 SD – Sewer Connections: (Action) Ms. Debra Birkby moved to authorize this board's President and District Manager to notify our legal counsel to enforce Ordinance 18-01 SD Sewer Connections, becoming effective November 19, 2018; and to follow counsel's advice requiring hookup to the Arch Cape Sanitary District infrastructure. The motion was seconded by Ms. Virginia Birkby. All in favor. Motion carried.

New Business:

Billing Appeal Request for 80046 Pacific: (Action) A general discussion ensued on the excess water usage referenced in the September 10, 2018 quarterly billing appeal (attached), the nature of that usage, prior historical usage in comparable periods in prior years by this account (attached); previous appeals of a similar nature and prior board actions in those circumstances.

Mr. Short moved to deny the billing appeal request for 80046 Pacific which was seconded by Ms. Tindall. All in favor. Motion carried.

Reports:

Accounts Receivable: Mr. Hill reported that one of the abandoned properties in northern Arch Cape had recently changed ownership with the promise of becoming a performing account in future. He indicated that all prior amounts owing had been collected and the existing utility lien lifted at the

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Clatsop County Clerk's office. He further reported that one other abandoned property still has a substantial outstanding balance. All other receivables were reported to be in good condition.

District Manager's Report: (attached) The consensus of the board was to include guidance in the next quarterly billing to customers on what not to flush down toilets or drains which would foul our waste treatment process and pose a health hazard to the community.

Treasurer's Report: None.

Board Comments: Ms. Debra Birkby said that she appreciated the show of respect for the meeting by Mr. Dufka through his personal attendance and willingness to sit through both the entire water and sanitary district meetings.

December Agenda Items: Easement to the treatment plant and progress on enforcement of the new sewer connections ordinance.

Public Comment: Mr. Stockton said, "We are proud of you".

The meeting was adjourned by Mr. Ron Schiffman at 8:34 pm.

Respectfully submitted,

Steve Hill

Attest

Mr. Ron Schiffman, President



October 26, 2018

GA Gredvig



Dear Gordon and Julie:

I am writing to you in response to two unsuccessful voice mail attempts requesting to meet with you to discuss the road access easement to the Arch Cape Wastewater Plant, and the shared location of the Water and Sanitary Districts' business office.

Specifically, the Arch Cape Sanitary District would like to speak with you about the road easement, the presence of an attack dog preventing authorized use of the easement and access to a public building, and the sign that you recently installed at the entrance gate which leads to the District's property, "warning that this property is guarded by attack dogs, keep out".

I trust that you will understand what effect this potentially has upon our business as well as to the potential ramifications it has for the safety of our employees, volunteers, customers, and contractors.

Representatives from the Board of Directors and me would like to meet with you to discuss the road access issue, and to establish finality in how we will deal with the issue of access for the future.

Please contact me and let me know if you are willing to have dialogue on this issue, so that we may work things out in a neighborly manner.

Sincerely,

Phil Chick

District Manager

Arch Cape Water and Sanitary Districts

philchickacutil@gmail.com

503-436-2790

Webb Lift Station Upgrade

Anticipated project date moved forward from 2024-25 to 2021-22

Estimated project expense :	\$ 150,000
Financed by:	
1 One time assessment over 340 SD Accounts	\$ 441.18
2 Through quarterly billings over ten (10) quarters rate increase per quarter	\$ 44.00
Present SD Qtrly Rate Adjusted SD Rate	\$ 215.00 259.00
3 Through an IFA/Bus Oregon Loan	
at 1% over twenty (20) years Adj SD Rate Annual Debt Service \$ 8,312 Total Int Exp \$ 16,246	\$ 221.00
at 2% over twenty (20) years Adj SD Rate Annual Debt Service \$ 9,174 Total Int Exp \$ 33,470	\$ 222.00
at 3% over twenty (20) years Adj SD Rate Annual Debt Service \$ 10,082 Total Int Exp \$ 51,647	\$ 222.00
at 4% over twenty (20) years Adj SD Rate Annual Debt Service \$ 11,037 Total Int Exp \$ 70,745	\$ 223.00
3 1/2 Through an IFA/Bus Oregon Loan & 1/2 from rates at 4% over twenty (20) years	\$ 240.00

19 Oct 2018 S. M. Hill

Appeal Request Form

Arch Cape Water and Sanitary Districts 32065 East Shingle Mill Lane Arch Cape, OR 97102 503-436-2790

NOTE: Dwelling Leak, Irrigation Leak, and Billing Appeal Policies for the Water and Sanitary Districts may be found at www.archcape.com 'Utility Districts' page

Name: RAND & TERESA DUFKA
Mailing Address: 799,05 ANVIL ROCK Rd.
Property Address:
Contact Info (phone/email) 563 - 436 - 6329
Date(s) of charge you are appealing: Done, Duly, August 2018
Please describe in detail the reason for your appeal:
We writered in New landsape Materials
and garden this year and received
a massive water bill (ten times the amount)
and it's subsequent sewer bill (also ten
times the amount) and are osking for
forgiveness for the overcharge on the
gover side of the bill, since the water
was used on the landscape. We ask the
district to average or post three years
sommer seasons, as the landscape watering
was our only change in usage.
REMINDER: Please Attach Supporting Documents (plumbing repair receipts, etc.)
Signature:
Jun M Duffe 10.15.18

Rand Dufka	79905 Anvil Rock R	d						Water Usage	: Gallons
							Incremental	Act Excess	Excess
Sanitary District	Invoiced						Additional Gal	Gal Used	Billed
Inv# 22720	9/10/2018 \$ 2,578.40	Excess \$ 2	2,399.40		→ Tie	er 1	3,000	9,000	22.50
Inv# 21397	9/10/2017 \$ 379.30	Excess \$	223.30		Tie	r 2	4,000	12,000	90.00
Inv# 20099	9/10/2016 \$ 180.66	Excess \$	24.66		Tie	r 3	4,000	12,000	600.00
					Tie	r 4	9,000	12,660	1,139.40
	Average sumn	ner excess \$	882.45		Tie	r 5	above 25K	3,650	547.50
	Over three year	ars					_	49,310 \$	2,399.40
							_	_	
2017 2017	7 2017 2018	2018	2018	2018	2018	2018	2018	2018	2018
Oct No		Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
				·					
7040 0000	7,000 0,470	F 070	0.000	7.400	40.050	40.000	00.050	40.070	0.040
7,940 6,390	7,690 6,470	5,070	9,230	7,160	10,850	19,390	28,650	16,270	8,610
2016 2016	6 2016 2017	2017	2017	2017	2017	2017	2017	2017	2017
Oct No	v Dec Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
7,900 7,900	9,180 7,990	7,780	12,330	9,010	8,850	8,440	13,260	13,490	9,970
7,300	3,100 7,330	7,700	12,000	3,010	0,000	0,440	13,200	13,430	3,370
2015 2015		2016	2016	2016	2016	2016	2016	2016	2016
Oct No	v Dec Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
6,480 6,270	5,400 6,510	4,930	6,800	8,080	8,110	6,510	9,010	7,320	11,500

ARCH CAPE SANITARY DISTRICT ORDINANCE NO.18-01SD

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM(S); PROVIDING PENALTIES FOR VIOLATIONS THEREOF; AND AMENDING AND SUPERSEDING PRIOR RULES AND REGULATIONS RELATING THERETO.

Be it ordained and enacted by the Board of Directors of the Arch Cape Sanitary District, State of Oregon, as follows:

SECTION 1. DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- 1.1. <u>Biochemical Oxygen Demand (BOD).</u> The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees centigrade expressed in terms of weight and concentration [milligrams per liter (mg/1)].
- 1.2. Board. The Board of Directors of the Arch Cape Sanitary District.
- 1.3. <u>Building Drain.</u> 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, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
- 1.4. <u>Building Sewer</u>. The extension from the building drain to the public sewer or other place of disposal.
- 1.5. <u>Cooling Water.</u> The water discharged from any use (such as air-conditioning, cooling, or refrigeration) to which the pollutant added is heat.
- 1.6. <u>District.</u> The Arch Cape Sanitary District.
- 1.7. <u>Engineer.</u> The Engineer of the district or his/her authorized deputy, agent, or representative.
- 1.8. <u>Garbage.</u> Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
- 1.9. <u>Industrial Wastes.</u> The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

- 1.10. <u>Infiltration.</u> That water other than sewage which enters the sewer system from the surrounding soil, typically from broken pipes, or defective joints in pipe and manhole walls.
- 1.11. <u>Inflow.</u> Water from storm water runoff which directly enters the sewerage system only during or immediately after rainfall. Typical points of entry include connections with roof and area drains, storm drain connections, and holes in manhole covers in flooded streets.
- 1.12. <u>Interference</u>. 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. Therefore is a cause of a violation of any requirement of the NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) [including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA], the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection Research and Sanctuaries Act.
- 1.13. <u>Natural Outlet</u>. Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- 1.14. Pass Through. A discharge which exits the treatment plant effluent into waters of the State of Oregon in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the District's NPDES permit (including an increase in the magnitude or duration of a violation).
- 1.15. <u>Person.</u> Any individual, firm, company, association, society, corporation, group, or any other legal entity, including all Federal, State, or local governmental entities.
- 1.16. pH.The logarithm of the reciprocal of the hydrogen ion concentration (grams/liter)
- 1.17. Properly Shredded Garbage. 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 (½) inch (1.27 centimeters) in any dimension.
- 1.18. <u>Public Sewer</u>. A sewer controlled by the District to which all owners of abutting properties shall have equal rights to make connection and to use, subject to rules, regulations, code provisions and ordinances of the District.
- 1.19. <u>Sanitary Sewer</u>. A sewer which carries sewage and to which storm, surface and ground water are not intentionally admitted.
- 1.20. <u>Service Connection.</u> A public sewer which has been to the property line or right-of-way 2 of 11 ORDINANCE NO. 18-01 SD AMENDING RULES AND REGULATIONS

- from a public sewer lateral or main for the sole purpose of providing a connection for the building sewer.
- 1.21. <u>Sewage</u>. A combination of water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm water as may be present. The term "sewage" means wastewater.
- 1.22. <u>Sewage Treatment Plant.</u> Any arrangement of devices and structures used for treating sewage.
- 1.23. <u>Sewerage Works.</u> All District facilities for collecting, pumping, treating, irrigating, and discharging District sewage.
- 1.24. <u>Storm Sewer or Storm Drain.</u> A sewer which carries storm and surface waters and drainage but excludes sewage and polluted industrial wastes.
- 1.25. <u>Suspended Solids</u>. Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
- 1.26. <u>User.</u> Any person who contributes, or causes or allows the contribution of, sewage or industrial wastewater into the municipal treatment works, including persons who contribute such wastes from mobile sources.
- 1.27. <u>Watercourse or Waterway.</u> A channel in which a flow of water occurs, either continuously or intermittently.

SECTION 2. USE OF PUBLIC SEWERS REQUIRED

- 2.1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the District or in any area under the jurisdiction of the District, any human or animal excrement, garbage, or other objectionable waste.
- 2.2. It shall be unlawful to discharge to any natural outlet within the District or in any area under the jurisdiction of the District, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- 2.3. Except as provided in Section 3, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal and treatment of sewage.
- 2.4. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the District and abutting on any street, alley, or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer, is required at his/her expense to connect such facilities with District sewers, in compliance with paragraph 3.4 of this Ordinance.

Unless otherwise agreed in writing by the Board pursuant to paragraph 2.5 below, connection shall be made directly with the proper public sewer in accordance with the provisions of this ordinance within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line.

2.5. Upon written petition to the Board objecting to the imposition of Section 2.4, the Board may consider such objection at a regular meeting; may rescind, revise, or uphold the decision; and shall notify the petitioner in writing within 14 days of its decision.

SECTION 3. PRIVATE SEWAGE DISPOSAL

- 3.1 Where a public sanitary sewer is not available under the provisions of Section 2, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section and the Oregon Plumbing Specialty Code.
- 3.2 Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit from the Oregon Department of Environmental Quality (DEQ) or its authorized agent.
- 3.3 The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the District.
- 3.4 At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Section 2, a direct connection shall be made to the public sewer, and any septic tanks, cesspools, and similar private sewage disposal facility shall be abandoned in accordance with State law at no expense to the District.
 - a. The connection shall comply with all construction standards for tying into the District's infrastructure. A copy of the applicable standards may be obtained upon request to the District Engineer.
 - b. All District system development charges, improvement fees and infrastructure development charges then in effect shall be due and payable upon District approval of the connection.
 - 3.5 No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by DEQ.

SECTION 4. SEPTIC TANK WASTE

4.1 Septic tank waste (septage) shall not be received into the District treatment works or collection system.

SECTION 5. BUILDING SEWERS AND CONNECTIONS

- 5.1 No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the District.
- 5.2 The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the District. A permit and inspection fee (which will be set by resolution) shall be paid to the District at the time the application is filed.
- 5.3 All costs and expense incident to the installation of the building sewer shall be borne by the owner. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation.
- A separate and independent building sewer shall be provided for every building served by the District unless otherwise approved by the District servicing a remodel or building upgrade. New structures shall be served with new building sewers. Existing building sewers shall be replaced by a licensed installer who shall submit evidence of code compliance to the district.
- 5.5 The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the District. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) and/or the Water Pollution Control Federation (WPCF), Manual of Practice No. 9, shall apply.
- The building sewer shall be brought to the building at an elevation below the basement floor whenever possible. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- 5.7 No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer.
- The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the District before installation.
- 5.9 The applicant for the building sewer permit shall notify the District when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the District or authorized representative.
- 5.10 All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District.

SECTION 6. USE OF THE PUBLIC SEWERS

6.1 Prohibited Discharges

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause interference or pass through. These general prohibitions apply to all users of the municipal treatment system whether or not the user is subject to categorical pretreatment standards or any other National, State or local pretreatment standards or requirements. Furthermore, no user may contribute the following substances to the system:

- a. 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 be injurious in any other way to the municipal treatment system. Included in this prohibition are waste streams with a closed cup flashpoint of less than 140EF (60EC) using the test methods prescribed in 40 CFR 261.21.
- b. Solid or viscous substances in amounts or characteristics which will interfere with pumps, piping or valves.
- c. Any fat, oils or greases, including but not limited to petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
- d. Any wastewater having a pH less than 6.0 or more than 9.0.
- e. Any wastewater containing pollutants or toxic substances in sufficient quantity (flow or concentration), either singly or by interaction with other pollutants, to pass through or interfere with the municipal treatment system, any wastewater treatment or sludge process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.
- f. Any noxious or malodorous liquids, gases, or solids or other 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.
- g. Any substance which may cause the treatment plant effluent or any other residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the system cause the District to be in noncompliance with sludge use or disposal regulations or permits issued under section 405 of the Clean Water Act; the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or other State requirements applicable to sludge use and land application practices.
- Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes, laundry wastes, and vegetable tanning
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solutions, which consequently imparts color to the treatment plant effluent thereby violating the District's NPDES permit.

- 1. Any wastewater having a temperature greater than 150EF (55EC), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed77EF (25EC).
- J. Any wastewater containing any radioactive waste or isotopes except as specifically approved by the District in compliance with applicable State or Federal regulations.
- k. Any pollutants which result in the presence of toxic gases, vapor or fumes within the system in a quantity that may cause worker health and safety problems.
- 1. Any trucked or hauled pollutants.
- m. Storm water, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, cooling water and unpolluted industrial wastewater, unless specifically authorized by the District. (NOTE: Certain of these waters may require an NPDES permit from DEQ if discharged to a storm sewer or natural outlet.)
- n. Any sludges, screenings, or other residues from the pretreatment of industrial wastes.
- o. Any medical wastes, except as specifically authorized by the District 111 a wastewater permit.
- p. Any material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfere with the municipal treatment system.
- q. Any wastewater causing the treatment plant effluent to demonstrate toxicity to test species during a biomonitoring evaluation.
- r. Recognizable portions of the human or animal anatomy.
- s. Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the municipal treatment system.
- t. Water or wastes exceeding a five-day Biochemical Oxygen Demand of 300 milligrams per liter or suspended solids exceeding 300 milligrams per liter.
- u. Wastes prohibited by this section shall not be processed or stored in such a manner they could be discharged to the municipal treatment system.

6.2 <u>Federal Categorical Pretreatment Standards</u>

Users subject to categorical pretreatment standards are required to comply with applicable standards as set out in 40 CFR Chapter I, Subchapter N, Parts 405-471 and incorporated herein.

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6.3 <u>State Requirements</u>

Users are required to comply with applicable State pretreatment standards and requirements set out in OAR Chapter 340. These standards and requirements are incorporated herein.

6.4 Specific Pollutant Limitations

No non-residential user shall discharge wastewater containing restricted substances into the municipal treatment system in excess of limitations specified in its Wastewater Discharge Permit. The District may revise from time to time standards for specific restricted substances.

At its discretion, the District may impose mass limitations in addition to or in place of the concentration-based limitations referenced above.

- 6.5 If any wastewater is discharged or is proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated above and which in the judgment of the District may have a deleterious effect upon the treatment works, processes, equipment, or receiving waters, or which may otherwise create a hazard to life or constitute a public nuisance, the District may:
 - a. Reject the wastes,
 - b. Require pretreatment to ail acceptable condition for discharge to the public sewers,
 - c. Require control over the quantities and rates of discharge, and/or
 - d. Require payment to cover the added cost of handling and treating the wastes not covered by existing sewer charges.

If the District permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the District, and subject to the requirements of all applicable codes, ordinances, and laws.

- 6.6 Where preliminary treatment or flow-equalizing facilities are provided for any wastewater, they shall be maintained continuously in satisfactory and effective operation by the owner at his/her expense.
- 6.7 Grease, oil, and sand interceptors shall be provided when, in the opinion of the District, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients. However, such interceptors shall not be required for private residences. All interceptors shall be of a type and capacity approved by the District and shall be located so as to be readily and easily accessible for cleaning and inspection.
- 6.8 All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with 40 CFR Part 136 or, if 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, in accordance with procedures approved by the Environmental Protection Agency

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(EPA), DEQ and the District.

Except as indicated below, wastewater samples collected for purposes of determining compliance with standards and requirements of this ordinance must be obtained using flow proportional composite collection techniques. In the event that flow proportional sampling is infeasible, the District may authorize the use of time propoliional or grab sampling.

Samples for fats, oil and grease (FOG), temperature, pH, cyanide, phenols, sulfides, and volatile organic chemicals must be obtained using grab collection techniques.

No statement contained in this Article shall be construed to prohibit an agreement between the District and any person whereby a discharge of unusual strength or character may be accepted by the District for treatment. Such an agreement may be made when, in the opinion of the District, special circumstances justify such agreement, provided that no interference or pass through result from the discharge and no additional costs are incurred by the District without recompense by the person. Federal and State pretreatment standards and requirements shall not be waived by any special agreement of the parties.

SECTION 7. INFILTRATION AND INFLOW

- 7:1 All property owners identified by the District as contributors to excessive or improper infiltration or inflow into the treatment works shall be advised of their infiltration and inflow problems.
- 7.2 All such situation properties shall be provided a 60-day grace period in which to correct the infiltration and inflow problems as identified, said 60-day grace period to extend from the date of notification.
- 7.3 By the end of the 60-day grace period, each property owner shall notify the District that corrective actions have been taken or are in progress, which actions shall be specified in the notification to the District.
- 7.4 A property owner failing to notify the District of corrective actions prior to the end of the 60-day grace period shall be subject to termination of service, without further notice, until the violation shall have been corrected in accordance with Federal, State and District regulations.
- 7.5 In the event any instance of excessive or improper infiltration or inflow into the treatment works of the District shall continue beyond the 60-day grace period, it is hereby declared that such continuing infiltration or inflow is a public nuisance, that the District shall have the right to abate such public nuisance, and to enter upon any private property within the District for such purpose and shall assess the cost of such abatement as a lien against the propelly upon which such continuing infiltration and inflow occurs and shall assess the cost of such abatement to the property upon or from which infiltration and inflow occurs.

SECTION 8. PROTECTION FROM DAMAGE

8.1 No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewerage works. Any person violating this provision shall be subject to immediate arrest

under charge of disorderly conduct.

SECTION 9. POWERS AND AUTHORITY OF INSPECTORS

- 9.1 The District employees displaying proper credentials and identification shall have the right to enter the facilities of any industrial user to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Industrial users shall allow the authorized District representatives 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 their premises, the industrial user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, pers01mel from the District, state, and federal government will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

SECTION 10. ENFORCEMENT

- 10.1 Any person found to be in violation of Section 8 of this ordinance, shall be guilty of disorderly conduct and upon conviction shall be subject to a fine not to exceed \$500.00 for each day of violation for a period not to exceed 100 days. This notice shall be in addition to, and in no way limit, any additional enforcement actions which the District deems necessary and the recovery of reasonable costs of litigation through appeal.
- 10.2 The District shall be entitled to recover from any person found to be in violation of this Ordinance: (a) costs incurred by the District to enforce compliance with this Ordinance, including but not limited to reasonable attorney fees and costs incurred in any legal proceeding initiated to compel compliance; (b) any costs incurred by the District which are deemed necessary to remedy a public health hazard created or threatened by the failure to comply; and (c) any other criminal or civil penalties imposed upon the owner or the property by the District or by any other regulatory body.
- Any person found to be in violation of Section 2 or Section 3 of this Ordinance shall be subject to a penalty not to exceed the sum of \$500.00 for each day or portion thereof that the violation continues, beginning on the first day after the date of the written notice to comply through the date of written District approval of both the connection to the sanitary system and decommissioning of the private disposal system. This penalty amount shall be in addition to any other fees and costs recoverable under this Section.
- Any unpaid penalties or other costs incurred by the District under this paragraph shall create a lien upon the subject real property, which may be recorded in the property records and collected in any manner permitted by law.
- 10.5 The District may suspend the wastewater treatment service and/or a wastewater permit when such suspension is necessary, in the opinion of the District, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, or causes the District to violate any

threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, or causes the District to violate any condition of its NPDES permit.

SECTION 11. VALIDITY; EFFECT ON PRIOR ORDINANCES AND RULES

11.1 All earlier adopted ordinances or parts of ordinances, rules, policies, or resolutions, which are inconsistent or conflicting with any part of this ordinance are hereby repealed-and superseded by this Ordinance as of its Effective Date.

SECTION 12. Effective Date

- 12.1 This ordinance shall be in full force and effect thirty (30) days after final adoption as provided by law of the state of Oregon.
- Passed and adopted by the Board of the Arch Cape Sanitary District this 19th day of October, 2018.

Ron Schiffman, President

ATTEST:

Steve Hill, Secretary

FIRST READING: 921 2018

SECOND READING: 10 19 2018

FINALLY APPROVED AND ADOPTED: 10 19 2018

AYES: 4

NAYS: 🗢

APPEAL REQUEST FORM Arch Cape Water and Sanitary Districts 32065 East Shingle Mill Lane Arch Cape, OR 97102 503-436-2790

NOTE: Dwelling Leak, Irrigation Leak, and Billing Appeal Policies for the Water and Sanitary Districts may be found at archcape.com

Name: Gail Newburg / Arch Cape Beach House Mailing Address: 252. NW Muywood Drive, Portland OR 97210 Property Address: 80046 Pacific 12d. Arch Cape, OR 97102 Contact Info (phone/email) 617 816 4902. cs binkley&comcastined (tor Clark Binkley, Gail's husband and conowner
Property Address: 80046 Pecific 12d. A-ch Cape OR 97102
Contact Info (phone/email) 617 B16 4902 cs binkley Bcomcastined (for Clark Binkley, Gail's husband and conounce
Date(s) of charge you are appealing: June 2018 - August 2018
Please describe in detail the reason for your appeal:
Please see affected documents
REMINDER: Attach Supporting Documents (plumbing repair receipts, etc.)
Signature: Date: 6 November 2018

APPEAL REQUEST ADDENDUM

6 November 2018

Gail Neuburg/Clark Binkley Arch Cape Beach House 80046 Pacific Rd. Arch Cape, OR 97102

Our water and sewer bills for the period June-August 2018 were unusually high. This happened once before (August 2013) so we have tried to be particularly attentive to our usage. We determined that the high water usage for the quarter in question was due to irrigation. Because the excess water was used in irrigation, the water did not enter the sewer system. We therefore request that the "Excess Usage" fee of \$5,237.25 on the Quarterly Sewer Bill (attached) be abated. The following provides the details of our investigation and how we reached this conclusion.

After receiving our bill, we asked Cannon Beach Landscaping ("CBL") to take a look at the system and see if they could determine what was happening. They visited the house. They did not see any apparent leaks as evidenced by wet spots in the lawn. To help us track down the problem, they turned off the water to the irrigation system at the back-flow valve so we were certain that no water was entering the irrigation system.

This allowed us to check on problems related to domestic (i.e. non-irrigation) use. To do so, we found the water meter and observed it while all domestic devices were off. The meter was still and not turning, indicating no water flow and therefore no leakages in the domestic system or in the feed from the meter into the house. We confirmed that the meter was working by turning on some water in the house and observed the meter dial turning over.

Phil Chick provided us with both hourly flow records for the summer quarter and the monthly flows for the last five years. Domestic usage—the usage in the non-irrigation months—averaged 2,235 gallons/month (please refer to the attached table). This level of water use is below the threshold for excess usage charges. We conclude from this that the domestic usage this summer—and flow into the sewer system—was unlikely to have exceeded the threshold for "excess usage" charges.

To try to verify that the irrigation usage was the culprit, we examined the hourly water flows. The *timing* of the flows was consistent with the irrigation schedule. We could not absolutely confirm that that *quantity* of water was consistent with the amount that the irrigation system is supposed to deliver. CBL advised that this would require a complete "Irrigation Audit" (more on this later). Instead, we simply converted the gallons of flow into acre-inches of water and determined that the flows were in the range of what would be required to maintain the landscaping alive and green.

In short, we have concluded that we very likely DID use excessive water. But, the water was used for irrigation and did not enter the sewer system and did not contribute to the cost of operating that part of the District's infrastructure.

As mentioned above, we have tried to be especially attentive to our water usage. We have had the irrigation system regularly checked by irrigation professionals—for a couple of years by CBL and last year by Larry Thomas of Edgewater Landscaping in Astoria. Larry's report certified that the system was operating correctly and in good condition. CBL's reports are on file, but Phil Chick advised us that this year's, from Edgewater, was not. We changed computer systems this fall and cannot find a copy of Larry's report. Larry is retiring this year. As a result, he has purged much of his past information. He informed us that he has been unable to locate a copy of his report. We have attached a copy of the check to Edgewater for this service as evidence that we did indeed have the system inspected. If you would like to verify our account, you can reach Larry on his mobile, (503) 325-3180.

What are we doing to reduce our irrigation usage? We contracted with Rita Fraley at CBL to conduct a thorough review of the system in the spring before we turn it back on. We will replace the controller to be sure it is functioning properly and add remote internet access so we can monitor usage on a regular basis. We have asked her to check each zone and determine if we can replace sprinkler heads with ones that are more efficient in water use, and/or convert sprinklers to more water-efficient drip lines. We will also either shorten the watering time or cut back a day of irrigation. We will take other steps as you might advise.

Thanks in advance for your consideration of our request to abate the \$5,237.25 excess usage charge on the June-August sewer bill. We are happy to respond to any questions you might have.

Gail Neuburg

Clark Binkley



ARCH CAPE SANITARY DISTRICT

32065 East Shingle Mill Lane Arch Cape, OR 97102

Invoice

INQUENT INVOICE # 38513

BILL TO

Gail Neuburg Arch Cape Beach House PO Box 4001 Portland, OR 97208 Acct. # 2000 THANK YOU for providing the INVOICE # on your check or reference portion of your online banking bill pay disbursement

			Г		
			-	Arch Cape Service Address	Account #
				80046 Pacific	2000
		Y SEWER BILL			AMOUNT
Quarterly Bill Base Charges: Oc	t - Dec 2018				174.00
Excess Usage: June 2018 thru Aug	ust 2018				5,237.25
Debt Service: Irrigation Site Land \$1	12. Facility Engineering \$15. L.	St St College All	C14 T	1	3,237.23
	2, 1 domey blighteering \$15, 10	&i, & Salley's All	ey \$14 Loan Su	rcharge	41.00
Sanitary bills are due 60 days past in	voice date and accounts do not	t hoopma dali			
Monthly service charge on all late bigreater.	lls which are 90 days past the i	nvoice date is 2%	of the outstandi	ng balance or \$5.00, whichever is	
Please remit senarate checks for Sani	itami and Water District				
Please remit separate checks for Sani				1	
Sanitary and Water checks can be ma	illed in one envelope to: Arch	Cape Water and	Sanitary District	s	
		55 East Shingle M Cape, OR 9710			
	Aich	1 Cape, OK 9/10	4		
Usage	Price per 100 gallons	Amount	C		
Tier 1 5,001 - 8,000 gallons	\$0.25	\$7.50	Cumulativ \$7.50	e	
Tier 2 8,001 - 12,000 gallons Tier 3 12,001 - 16,000 gallons	\$0.75 \$5.00	\$30.00	\$37.50		
Tier 4 16,001 - 25,000 gallons	\$9.00	\$200.00 \$810.00	\$237.50 \$1,047.50		
Tier 5 25,000 and up	\$15.00	4010.00	Φ1,047.50		
Sanitary Excess Usage charges are on	e half (1/2) of the calculated w	ater evcess			
charges for Tiers 1 & 2 and one hundr	red (100%) percent on Tiers 3	thru 5			
Go to www.archcape.com for addition	nal Sanitary Dietrict information				
Questions? Please call 503-436-8565	or e-mail archcapebilling@gm	n. ail.com.			
	0 0				***************************************
The Public is invited to attend Regul	lar Board of Director Meetings	taking place ever	y 3rd Friday of	anah	
month: 6:00pr	n at the Arch Cape Fire Hall -	79279 Hwy 101	, ora rriday of t	Total	\$5,452.25
				1	3

ANALYSIS OF ACBH WATER USAGE

Clark S. Binkley

18-Oct-18

NON IRRIGATION USAGE

	OCT	NOV	DEC	JAN	FEB	MAR	AVERAGE
2017	6320	20	860	3070	4390	5060	3287
2016	1850	3100	20	1800	400	250	1237
2015	3320	2530	140	1220	1070	3410	1948
2014	7840	3510	480	1350	870	350	2400
2013	2520	4450	3400	1550	1380	3230	2755
AVERAGE	4370	2722	980	1798	1622	2460	2325

Details

Description: Check

Date: 4/26/2018

Type: Debit - Check 1185

ARCH CAPE BEACH HOUSE, LLC 1231 NW HOYT ST SUITE 302 PORTLAND, OR 97209 503-225-3360	(SK)	UMPRODE HANG 1-009-4/MPC/SA (1-000-005-7782)	1185 ***********************************
PAN TO THE Edgewater orchanded this by fix	20/100	18	DOLLAR:
MEMO 80046 Pacific Cl	541: 485 8851	Silver	hours .

1 of 2

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1,020

1,570

50

1.360

80

210

1,290

13,960

7,390

14,850

13,880

1,330

Manager Report November 16, 2018

SANITARY:

The plant treated 2,382,000 gallons of influent in October, and we received 8.5" of rainfall.

Membranes have been cleaned for the start of the winter season.

Matt attended a membrane class put on by Kubota recently that was quite useful. A topic of special interest was a segment on screening. One of our membranes was examined in a tensile strength test for demonstration to the class. It came out quite well, in terms of longevity/strength. We have sent two other membranes in to the Kubota Research Lab in Ohio and will wait to hear the results of those tests, as we continue to plan ahead for membrane replacement.

Cannon Beach Electric repaired the generator transfer switch at Sally's Alley lift station. Special thanks to Gary and Brian Smith of CB Electric, for tracking down the correct part and saving us some money.