

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

DECEMBER 3, 2018 CITY COUNCIL AGENDA

The Regular Organizational Meeting of the Portland City Council will be held on the 3rd day of December, 2018, at 12:00 Noon in City Council Chambers, City Hall, for the following purposes.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

RECOGNITIONS:

PRESENTATIONS:

ANNUAL MEETING:

SPECIAL MEETING:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

November 19, 2018 Draft Regular City Council meeting minutes.

PROCLAMATIONS:

APPOINTMENTS:

CONSENT ITEMS:

Order 108-18/19 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Russell Jay – Sponsored by Jon P. Jennings, City Manager.

This order authorizes the City Council to approve the transfer of \$981.00 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Russell Jay.

The money was seized during a drug investigation conducted by the M.D.E.A. in conjunction with the Portland Police Department. The money will be deposited into the Portland Police Department's drug investigation account. The money is used to offset the costs of drug investigations, such as drug analysis, drug purchases, covert surveillance, surveillance equipment, drug training and protective gear, such as body armor. The money may also be used to support the department's Law Enforcement Addiction Advocacy Program.

Order 109-18/19 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Yosaf Devine – Sponsored by Jon P. Jennings, City Manager.

This order authorizes the City Council to approve the transfer of \$758.00 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Yosaf Devine.

The money was seized during a drug investigation conducted by the M.D.E.A. in conjunction with the Portland Police Department. The money will be deposited into the Portland Police Department's drug investigation account. The money is used to offset the costs of drug investigations, such as drug analysis, drug purchases, covert surveillance, surveillance equipment, drug training and protective gear, such as body armor. The money may also be used to support the department's Law Enforcement Addiction Advocacy Program.

Order 110-18/19 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Jerome Davis – Sponsored by Jon P. Jennings, City Manager.

This order authorizes the City Council to approve the transfer of \$2,466.75 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Jerome Davis a/k/a Jerel Ferguson.

The money was seized during a drug investigation conducted by the M.D.E.A. in conjunction with the Portland Police Department. The money will be deposited into the Portland Police Department's drug investigation account. The money is used to offset the costs of drug investigations, such as drug analysis, drug purchases, covert surveillance, surveillance equipment, drug training and protective gear, such as body armor. The money may also be used to support the department's Law Enforcement Addiction Advocacy Program.

Five affirmative votes are required for passage of the Consent Calendar.

LICENSES:

BUDGET ITEMS:

COMMUNICATIONS:

**Communication 9-18/19 Re: Revisions to Rules and Regulations Schedule A -
Sponsored by Jon P. Jennings, City Manager.**

Discharge limits for Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS) are being updated to reflect an order approved by the City of Westbrook as required by their Maine Department of Environmental Protection Maine Pollutant Discharge Elimination System (MEPDES) permit. Schedule A contains the discharge limits for both Portland and Westbrook. Two areas within Portland utilize the sewer system in Westbrook and are under the Intermunicipal Agreement. Since the Intermunicipal Agreement area sewer users must meet the City of Westbrook effluent limits, the City of Portland Schedule A must be updated as well. All other language and limits in the Rules and Regulations for Use of the Sewer System and Schedule A will remain the same. The update is meant to reflect and standardize language found in the City of Westbrook, City of Portland, and Portland Water District's Rules and Regulations.

As a Communication this item requires no public comment or formal Council action.

RESOLUTIONS:

Resolution 5-18/19 Honoring the 250th Anniversary of the Portland Fire Department - Co-Sponsored by Councilor Jill C. Duson, Councilor Spencer Thibodeau, Councilor Pious Ali, Councilor Belinda Ray, Councilor Kimberly Cook, Councilor Brian Batson, Councilor Nicholas M. Mavodones, Jr. and Mayor Ethan Strimling.

The Portland Fire Department was founded in 1768, two hundred and fifty years ago, when the "fire wards" used a wooden rattle to alert residents to danger. The first organized fire company was formed in 1787 and called Neptune. Steam engines, then motorized fire engines, transformed the work of fighting fires into the present age.

With this Resolution, the Portland City Council expresses its deep appreciation for the heroic work protecting Portland people and its buildings done by the City firefighters during all of the last 250 years.

Five affirmative votes are required for passage after public comment.

**Resolution 6-18/19 Opposing the Department of Homeland Security Rule Change
Re: "Public Charge" - Co-Sponsored by Councilor Pious Ali, Councilor Justin
Costa, Councilor Brian Batson, Councilor Jill C. Duson, Councilor Kimberly
Cook, Councilor Belinda Ray, Councilor Spencer Thibodeau, Councilor Nicholas
M.Mavodones, Jr., and Mayor Ethan K. Strimling,**

With this resolution, the Portland City Council is asked to voice its opposition to a rule change being considered by the United States Department of Homeland Security ("DHS"). This rule change would add several now not included government programs to what defines an immigrant as a "public charge" and therefore inadmissible to the United States. It would affect not only applicants for visas outside of the country but also visa holders and applicants for green cards and for citizenship who are now living inside the United States.

In order for this Resolution to be submitted as comment opposing the DHS rule change prior to the December 10, 2018 deadline, it is requested that it be approved as an emergency. Seven affirmative votes are required for passage as an emergency, following public comment.

UNFINISHED BUSINESS:

ORDERS:

AMENDMENTS:

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

NOVEMBER 19, 2018 CITY COUNCIL AGENDA

The Portland City Council will hold a City Council Meeting at 5:30 p.m. in City Council Chambers, City Hall. The Honorable Ethan K. Strimling, Mayor, will preside.

MINUTES ARE DRAFT UNTIL APPROVED BY THE CITY COUNCIL AT THE FOLLOWING MEETING.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

Mayor Strimling called the meeting to order at 5:30 P.M. (Councilor Costa arrived during announcements).

ANNOUNCEMENTS:

Councilor Ray announced that the Health and Human Services Committee will be meeting on Tuesday , November 27, 2018 in the City Council Chambers to hear public comment on the Model Shelter.

Mayor Strimling announced that the Rules Committee will be meeting on November 20 and November 28th to review the City Council Rules for approval at the Business meeting of the Inauguration ceremony.

RECOGNITIONS:

PRESENTATIONS:

ANNUAL MEETING:

Motion was made by Mayor Strimling and seconded by Councilor Batson to recess the meeting of the City Council and Convene the Annual Meeting of the Corporator of the Portland Development Corporation. Passage 9-0.

Annual Meeting of Corporator of Portland Development Corporation.

Motion was made by Councilor Ray and seconded by Councilor Mavodones to accept the Fiscal year 2018 Financial Report. Passage 9-0.

Annual Meeting of Corporator of Creative Portland

Motion was made by Councilor Ray and seconded by Councilor Thibodeau to adjourn the Annual Meeting of the Corporator of the Portland Development Corporation and convene the Annual Meeting of the Corporator of Creative Portland Corporation. Passage 9-0.

Motion was made by Councilor Thibodeau and seconded by Councilor Batson to accept the Fiscal year 2018 Financial Report. Passage 9-0.

SPECIAL MEETING:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

November 5, 2018 Draft Regular City Council Meeting Minutes

Motion was made by Councilor Ray and seconded by Councilor Batson for approval of the minutes. Passage 9-0.

PROCLAMATIONS:

Proclamation 17-18/19 Honoring Detective Kelly Gorham as Officer of the Month for September 2018 – Sponsored by Mayor Ethan K. Strimling.

APPOINTMENTS:

CONSENT ITEMS:

Order 100-18/19 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Melissa Emmons – Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Costa and seconded by Councilor Ray for passage of the consent items. Passage 9-0.

LICENSES:

Order 101-18/19 Granting Municipal Officers' Approval of Portland Shuck Shack LLC dba The Shop. Application for a Class I FSE with Entertainment without Dance and Outdoor Dining on Private Property at 123 Washington Avenue - Sponsored by Michael Russell, Director of Permitting & Inspections Department.

Motion was made by Councilor Ray and seconded by Councilor Thibodeau for passage. Passage 9-0.

Order 102-18/19 Approving Municipal Officers' Approval of Blue Lobster Urban Winery LLC dba Blue Lobster Urban Winery. Application for a Winery with Entertainment without Dancing and Outdoor Dining on Private Property at 219 Anderson Street - Sponsored by Michael Russell, Director of Permitting & Inspections Department.

Motion was made by Councilor Ray and seconded by Councilor Duson for passage. Passage 9-0.

Order 103-18/19 Granting Municipal Officers' Approval of Pig Exchange, LLC dba Thirsty Pig. Renewal application for an Entertainment without Dance at 37 Exchange Street with the Condition of No Amplified Entertainment Outdoors - Sponsored by Michael Russell, Director of Permitting and Inspections.

Councilor Thibodeau recused himself as his employer has done work for the applicant.

Motion was made by Councilor Mavodones and seconded by Councilor Duson.

Motion was made by Councilor Mavodones and seconded by Councilor Batson to postpone Order 103 to the January 23, 2019 City Council Meeting. Passage 8-0. (Councilor Thibodeau recused).

Order 104-18/19 Granting Municipal Officers' Approval of Bunker Brewing LLC dba Bunker Brewing. Application for an Entertainment without Dancing at 17 Westfield Street with the Condition of Limiting the Events to 20 Per Year, Closing the Garage Door Closest to Neighbors and Ending All Events by 9:00pm. - Sponsored by Michael Russell, Director of Permitting & Inspections Department.

Motion was made by Councilor Ray and seconded by Councilor Costa for passage. Passage 9-0.

6:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

BUDGET ITEMS:

COMMUNICATIONS:

Communication 7 Re: the Rules Committee - Sponsored by Mayor Ethan K. Strimling.

RESOLUTIONS:

UNFINISHED BUSINESS:

Order 97-18/19 Authorizing Lease-Purchase Agreement for Conversion to LED Street Lights - Sponsored by Jon P. Jennings, City Manager.

This item was given first reading on November 5, 2018.

Motion was made by Councilor Mavodones and second by Councilor Costa to postpone Order 97 to the December 17, 2018 City Council meeting. Passage 9-0.

Order 98-18/19 Amendment to Portland City Code Chapter 14 Re: Impact Fees - Sponsored by the Planning Board, Sean Dundon, Chair and the Economic Development Committee, Council Justin Costa, Chair.

This item was given first reading on November 5, 2018.

Motion was made by Councilor Costa and seconded by Councilor Ray for passage. Passage 8-0. (Councilor Ali out).

Order 105-18/19 Amendment to Portland City Code Chapter 6 Re: Energy Benchmarking - Sponsored by the Sustainability and Transportation Committee, Councilor Spencer Thibodeau, Chair.

Motion was made by Councilor Thibodeau and seconded by Councilor Ray to waive the second reading. Passage 9-0.

Motion was made by Mayor Strimling and seconded by Councilor Mavodones to set the deadline to December 7, 2019. Motion failed 1-8 (Duson, Mavodones, Cook, Ali, Costa, Ray, Thibodeau, Batson.)

Motion was made by Councilor Thibodeau and seconded by Councilor Batson for passage as an emergency. 9-0.

Order 99-18/19 Amendment to Portland City Code Chapter 6 Re: Short Term Rental Registration and Regulation - Sponsored by the Housing Committee, Councilor Jill D. Duson, Chair.

Motion was made by Councilor Ray and seconded by Councilor Duson to amend Order 99 by adding in sec.6-150 Purpose, in the second sentence after the word units, "may"., and by adding in Sec. 6-153 (f) chart Owner-occupied " 2 to 1, 3 to 2, 4 to 3, 5 to 4, leaving the two fives as is".

Motion was made by Councilor Costa and seconded by Councilor Ray to bifurcate the amendment. Passage 8-1 (Thibodeau).

Motion was made by Councilor Ray and seconded by Councilor Costa to add in sec. 6-150 Purpose, in the second sentence after the word units "may". Passage 8-1 (Stimling).

Motion was made by Councilor Ray and seconded by Councilor Cost to add to section 6-153- (f) chart Owner-occupied "2to 1, 3 to 2, 4 to 3, 5 to 4, leaving the two fives as is." Passage 7-2 (Strimling, Costa).

Motion was made by Councilor Mavodones and seconded by Councilor Duson to allow deliberations after 10:00 P.M. Passage 9-0.

Motion was made by Councilor Cook and seconded by Councilor Duson to call the question. Passage 9-0.

Motion was made by Councilor Thibodeau and seconded by Councilor Duson to change sec. 6-153 B. from "300 to 400 owner occupied. Passage 5-4 (Cook, Ali, Batson, Strimling).

Motion was made by Councilor Costa and seconded by Councilor Cook to add in section 6-151, (c) subsection 5 after the words, "short term basis, " short term," and the number of units that were rented long term". Passage 9-0.

Motion was made by Councilor Duson and seconded by Councilor Thibodeau to keep in sec.6-153 (C) five. Passage 5-4 (Ali, Cook, Batson, Strimling).

Motion was made by Councilor Thibodeau and seconded by Councilor Mavodones to strike out sec. 6--153 (d)" Passage 5-4 (Cook, Ali, Ray, Strimling).

Motion was made by Councilor Thibodeau and seconded by Councilor Batson to add for clarity in sec. 6-154 (c) " no registration is transferable or signable". Passage 9-0.

Motion was made by Councilor Ray and seconded by Councilor Mavodones to strike out in second sentence and add " owner, tenants may rent multiple rooms in. Passage 6-3 (Ali, Cook, Strimling).

Motion was made by Councilor Ray and seconded by Councilor Cook in sec. 6-152 (c) to strike out "tenants may not register more than one short term rental unit and add " and "tenants" after owners and or tenants occupied" after the words owner occupied in the first sentence. Passage 6-3 (Ali, Cook, Strimling).

Motion was made by Councilor Cook and seconded by Councilor Ray to clarify that we amend sec 6-154 B- so it says "not withstanding the limitations sec 6-153, current registration" stiking (b) and (c)"and that we strike subsection "1. beginning with" however" Passage 8-1 (Ali).

Order 67-18/19 Amendment to Portland City Code Chapter 6 Re: Short Term Rentals – Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair.

Motion was made by Councilor Costa and seconded by Councilor Batson to postpone Order 67 indefinitely. Passage 9-0.

Order 87-18/19 Amendment to the Portland City Code Chapter 6 Re: Non-Owner-Occupied Short Term Rental Units in Multi-Unit Buildings - Sponsored by Councilor Jill C. Duson

Motion was made by Councilor Costa and seconded by Councilor Batson to postpone Order 87 indefinitely. Passage 9-0

Motion was made by Councilor Ray and seconded by Councilor Duson to adjourn. Passage 9-0, 11:05 P.M.

A TRUE COPY.

City Clerk

Katherine L. Jones,

ORDERS:

AMENDMENTS:

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER APPROVING TRANSFER OF FUNDS
UNDER
15 M.R.S. §§ 5824(3) and 5826(6)
RE: RUSSELL JAY

ORDERED, that the City Council hereby accepts \$981.00 in forfeited assets in the case of State of Maine vs. Russell Jay from the State of Maine to the City of Portland, pursuant to 15 M.R.S. § 5824(3) and § 5826(6) and as provided in the attached “Approval of Transfer.”

STATE OF MAINE
Cumberland, SS

UNIFIED CRIMINAL DOCKET
Criminal Action
Docket No. CR-18-940

State of Maine

v.

Russell Jay,
Defendant

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}
}
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}
}
}
}
}
}

City of Portland
Approval of Transfer
15 M.R.S. §5824(3)
and §5826(6)

AND
\$981.00 U.S. CURRENCY
DEFENDANT IN REM

NOW COMES the City of Portland, Maine, by and through its legislative body, the City Council, and does hereby grant approval pursuant to Section 5824(3) and Section 5826(6) of Title 15 of the Maine Revised Statutes, to the transfer of any portion of the above captioned Defendant *In Rem*, namely \$981.00 U.S. Currency, on grounds that the City of Portland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the Portland City Council does hereby approve of the transfer of the Defendant(s) *In Rem*, to the City of Portland, Maine pursuant to 15 M.R.S. §5824(3) and §5826(6) on December 3, 2018.

Dated: _____

Mayor

(Impress Legislative Body Seal Here)

JANET T. MILLS
ATTORNEY GENERAL



TEL: (207) 626-8800
TTY USERS CALL MAINE RELAY 711

STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006

REGIONAL OFFICES
84 HARLOW ST. 2ND FLOOR
BANGOR, MAINE 04401
TEL: (207) 941-3070
FAX: (207) 941-3075

415 CONGRESS ST., STE. 301
PORTLAND, MAINE 04101
TEL: (207) 822-0260
FAX: (207) 822-0259

14 ACCESS HIGHWAY, STE. 1
CARIBOU, MAINE 04736
TEL: (207) 496-3792
FAX: (207) 496-3291

November 7, 2018

Portland Police Department
Interim Chief Vern Malloch
109 Middle Street
Portland, ME 04101

RE: State of Maine vs. Russell Jay
Cumberland County Unified Criminal Court Doc. No. CR-18-940
Criminal Forfeiture
Required Vote of Municipal Officers/Approval of Transfer of Forfeiture Assets

Dear Chief Malloch:

Enclosed please find a draft Approval form for submission to the municipal officers.

Please inform the municipal officers that:

A. 15 M.R.S.A. §5824(3) requires that, before any forfeitable item may be transferred to a State Agency, County or Municipality, the municipal legislative body must publicly vote to accept the item(s) **if subsequently ordered forfeited by the Court;**

B. Under Rules issued by the Department of the Attorney General, a public vote must be made on each forfeiture "approval" and a "continuing resolution" of approval cannot be accepted;

C. As with all forfeitures, an approval of a transfer by the municipal legislative body does not guarantee either that the Defendant(s) *In Rem* will in fact be forfeited or, if forfeited, that the Court will order the item(s) transferred to the approving Department, Agency, County or Municipality. The municipal legislative body's approval only signifies that, if the Defendant(s) *In Rem* are in fact ordered forfeited and, if the Attorney General and the Court agree to a transfer of all or part of the Defendant(s) *In Rem* to a Department, Agency, County or Municipality based upon the "*substantial contribution*" of that Department, Agency, County or Municipality, then that entity is in fact, willing to accept the Defendant(s) *In Rem* or portions thereof. In order to streamline what is otherwise a cumbersome forfeiture process, it is our practice to seek State, county or

municipal approval in anticipation of the final order of forfeiture. However, final forfeiture is not guaranteed and both the municipal legislative body and the law enforcement agency involved are **cautioned** that they **should not encumber** funds or property until a Final Order granting them lawful title to the property is delivered to them;

D. Under the provisions of the Forfeiture Statute, if the municipal legislative body fails to approve a transfer in a timely manner, any forfeited items shall be transferred to the State of Maine General Fund.

Assuming your municipal legislative body does grant its approval, kindly see to it that the accompanying form is signed by the appropriate person and is "embossed" with the seal of the municipality. Then, please return the **original** to me for filing, and retain a copy for your records.

My sincere thanks for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Johanna Gauvreau
Assistant Attorney General
CRIMINAL DIVISION

Enclosure

STATE OF MAINE
Cumberland, ss

UNIFIED CRIMINAL COURT
Docket No. CR-18-940

State of Maine	}	
	}	
v.	}	City of Portland
	}	Approval of Transfer
	}	15 M.R.S. §5824(3) and §5826
Russell Jay,	}	
Defendant;	}	
	}	
And	}	
	}	
\$981.00 U.S. Currency	}	
Defendant(s) In Rem	}	

NOW COMES the City of Portland, Maine, by and through its legislative body, the City Council, and does hereby grant approval pursuant to Section 5824(3) and §5826(6) of Title 15 of the Maine Revised Statutes, to the transfer of any portion of the above captioned Defendant *In Rem* namely \$981.00 U.S. Currency, on grounds that the City of Portland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the Portland City Council does hereby approve of the transfer of the Defendant(s) *In Rem* to the City of Portland, Maine pursuant to 15 M.R.S. § 5824(3) and §5826(6) as approved on _____ 2018.

Mayor

(Impress municipal legislative body seal here)

MEMORANDUM
City Council Agenda Item

FROM: Vern Mallock

DATE: November 13, 2018

SUBJECT: **Order 109-18/19 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Yosaf Devine – Sponsored by Jon P. Jennings, City Manager.**

SPONSOR: Jon P. Jennings, City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 12/03/2018

Final Action 12/03/2018

Can action be taken at a later date: Yes Yes

PRESENTATION:

I. ONE SENTENCE SUMMARY

The State requires Council approval of the transfer of forfeited cash to the Portland Police Department. (See attached approval form)

II. AGENDA DESCRIPTION

This order authorizes the City Council to approve the transfer of \$758.00 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Yosaf Devine.

The money was seized during a drug investigation conducted by the M.D.E.A. in conjunction with the Portland Police Department. The money will be deposited into the Portland Police Department's drug investigation account. The money is used to offset the costs of drug investigations, such as drug analysis, drug purchases, covert surveillance, surveillance equipment, drug training and protective gear, such as body armor. The money may also be used to support the department's Law Enforcement Addiction Advocacy Program.

III. BACKGROUND

The State Forfeiture Statute, 15 M.R.S.A. § 5824 (3) and § 5826(6), requires that before any forfeitable item may be transferred to a State agency, County or municipality, the legislative body of that entity must publicly vote to accept the item.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Funds may be transferred to the Portland Police Department for deposit in the drug investigations account.

V. FINANCIAL IMPACT

The money is used to offset the costs of drug investigations, such as drug analysis, drug purchases, covert surveillance, surveillance equipment, drug training and protective gear, such as body armor.

VI. STAFF ANALYSIS AND BACKGROUND

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Devine, Yosaf forfeiture 12.3.2018
2. Criminal Forfeiture Devine

Prepared by: Catherine Hooper

Date: 11/13/2018

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER APPROVING TRANSFER OF FUNDS
UNDER
15 M.R.S. §§ 5824(3) and 5826(6)
RE: YOSAF DEVINE

ORDERED, that the City Council hereby accepts \$758.00 in forfeited assets in the case of State of Maine vs. Yosaf Devine from the State of Maine to the City of Portland, pursuant to 15 M.R.S. § 5824(3) and § 5826(6) and as provided in the attached “Approval of Transfer.”

STATE OF MAINE
Cumberland, SS

UNIFIED CRIMINAL DOCKET
Criminal Action
Docket No. CR-18-3748

State of Maine

v.

Yosaf Devine,
Defendant

AND
\$1,516.00 U.S. CURRENCY
DEFENDANT IN REM #1

7 SILVER CERTIFICATES
DEFENDANT IN RE #2

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City of Portland
Approval of Transfer
15 M.R.S. §5824(3)
and §5826(6)

NOW COMES the City of Portland, Maine, by and through its legislative body, the City Council, and does hereby grant approval pursuant to Section 5824(3) and Section 5826(6) of Title 15 of the Maine Revised Statutes, to the transfer of any portion of the above captioned Defendants *In Rem*, namely \$758.00 U.S. Currency, on grounds that the City of Portland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the Portland City Council does hereby approve of the transfer of the Defendant(s) *In Rem*, to the City of Portland, Maine pursuant to 15 M.R.S. §5824(3) and §5826(6) on December 3, 2018.

Dated: _____

Mayor

(Impress Legislative Body Seal Here)

JANET T. MILLS
ATTORNEY GENERAL



STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006

TEL: (207) 626-8800
TTY USERS CALL MAINE RELAY 711

REGIONAL OFFICES
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BANGOR, MAINE 04401
TEL: (207) 941-3070
FAX: (207) 941-3075

415 CONGRESS ST., STE. 301
PORTLAND, MAINE 04101
TEL: (207) 822-0260
FAX: (207) 822-0259

14 ACCESS HIGHWAY, STE. 1
CARIBOU, MAINE 04736
TEL: (207) 496-3792
FAX: (207) 496-3291

November 8, 2018

Portland Police Department
Interim Chief Vern Malloch
109 Middle Street
Portland, ME 04101

RE: State of Maine vs. Yosaf Devine
Cumberland County Unified Criminal Court Doc. No. CR-18-3748
Criminal Forfeiture
Required Vote of Municipal Officers/Approval of Transfer of Forfeiture Assets

Dear Chief Malloch:

Enclosed please find a draft Approval form for submission to the municipal officers.

Please inform the municipal officers that:

A. 15 M.R.S.A. §5824(3) requires that, before any forfeitable item may be transferred to a State Agency, County or Municipality, the municipal legislative body must publicly vote to accept the item(s) **if subsequently ordered forfeited by the Court;**

B. Under Rules issued by the Department of the Attorney General, a public vote must be made on each forfeiture "approval" and a "continuing resolution" of approval cannot be accepted;

C. As with all forfeitures, an approval of a transfer by the municipal legislative body does not guarantee either that the Defendant(s) *In Rem* will in fact be forfeited or, if forfeited, that the Court will order the item(s) transferred to the approving Department, Agency, County or Municipality. The municipal legislative body's approval only signifies that, if the Defendant(s) *In Rem* are in fact ordered forfeited and, if the Attorney General and the Court agree to a transfer of all or part of the Defendant(s) *In Rem* to a Department, Agency, County or Municipality based upon the "substantial contribution" of that Department, Agency, County or Municipality, then that entity is in fact, willing to accept the Defendant(s) *In Rem* or portions thereof. In order to streamline what is otherwise a cumbersome forfeiture process, it is our practice to seek State, county or

municipal approval in anticipation of the final order of forfeiture. However, final forfeiture is not guaranteed and both the municipal legislative body and the law enforcement agency involved are **cautioned** that they **should not encumber** funds or property until a Final Order granting them lawful title to the property is delivered to them;

D. Under the provisions of the Forfeiture Statute, if the municipal legislative body fails to approve a transfer in a timely manner, any forfeited items shall be transferred to the State of Maine General Fund.

Assuming your municipal legislative body does grant its approval, kindly see to it that the accompanying form is signed by the appropriate person and is "embossed" with the seal of the municipality. Then, please return the **original** to me for filing, and retain a copy for your records.

My sincere thanks for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Johanna Gauvreau
Assistant Attorney General
CRIMINAL DIVISION

Enclosure

STATE OF MAINE
Cumberland, ss

UNIFIED CRIMINAL COURT
Docket No. CR-18-3748

State of Maine	}	
	}	City of Portland
v.	}	Approval of Transfer
	}	15 M.R.S. §5824(3) and §5826
Yosaf Devine,	}	
Defendant;	}	
	}	
And	}	
	}	
\$1,516.00 U.S. Currency	}	
Defendant(s) In Rem #1	}	
	}	
7 Silver Certificates	}	
Defendant(s) In Rem #2	}	

NOW COMES the City of Portland, Maine, by and through its legislative body, the City Council, and does hereby grant approval pursuant to Section 5824(3) and §5826(6) of Title 15 of the Maine Revised Statutes, to the transfer of any portion of the above captioned Defendant *In Rem* namely \$758.00 U.S. Currency, on grounds that the City of Portland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the Portland City Council does hereby approve of the transfer of the Defendant(s) *In Rem* to the City of Portland, Maine pursuant to 15 M.R.S. § 5824(3) and §5826(6) as approved on _____ 2018.

Mayor

(Impress municipal legislative body seal here)

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER APPROVING TRANSFER OF FUNDS
UNDER
15 M.R.S. §§ 5824(3) and 5826(6)
RE: JEROME DAVIS

ORDERED, that the City Council hereby accepts \$2,466.75 in forfeited assets in the case of State of Maine vs. Jerome Davis from the State of Maine to the City of Portland, pursuant to 15 M.R.S. § 5824(3) and § 5826(6) and as provided in the attached “Approval of Transfer.”

STATE OF MAINE
Cumberland, SS

UNIFIED CRIMINAL DOCKET
Criminal Action
Docket No. CR-17-6500

State of Maine

v.

Jerome Davis a/k/a Jerel Ferguson
Defendant

AND
\$3,289.00 U.S. CURRENCY
DEFENDANT IN REM #1

}
}
}
}
}
}
}
}
}
}
}
}
}
}
}

City of Portland
Approval of Transfer
15 M.R.S. §5824(3)
and §5826(6)

NOW COMES the City of Portland, Maine, by and through its legislative body, the City Council, and does hereby grant approval pursuant to Section 5824(3) and Section 5826(6) of Title 15 of the Maine Revised Statutes, to the transfer of any portion of the above captioned Defendants *In Rem*, namely \$2,466.75 U.S. Currency, on grounds that the City of Portland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the Portland City Council does hereby approve of the transfer of the Defendant(s) *In Rem*, to the City of Portland, Maine pursuant to 15 M.R.S. §5824(3) and §5826(6) on December 3, 2018.

Dated: _____

Mayor

(Impress Legislative Body Seal Here)

JANET T. MILLS
ATTORNEY GENERAL



TEL: (207) 626-8800
TTY USERS CALL MAINE RELAY 711

STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006

REGIONAL OFFICES
84 HARLOW ST. 2ND FLOOR
BANGOR, MAINE 04401
TEL: (207) 941-3070
FAX: (207) 941-3075

415 CONGRESS ST., STE. 301
PORTLAND, MAINE 04101
TEL: (207) 822-0260
FAX: (207) 822-0259

14 ACCESS HIGHWAY, STE. 1
CARIBOU, MAINE 04736
TEL: (207) 496-3792
FAX: (207) 496-3291

November 13, 2018

Portland Police Department
Interim Chief Vern Malloch
109 Middle Street
Portland, ME 04101

RE: State of Maine vs. Jerome Davis a/k/a Jerel Ferguson
Cumberland County Unified Criminal Court Doc. No. CR-17-6500
Criminal Forfeiture
Required Vote of Municipal Officers/Approval of Transfer of Forfeiture Assets

Dear Chief Malloch:

Enclosed please find a draft Approval form for submission to the municipal officers.

Please inform the municipal officers that:

A. 15 M.R.S.A. §5824(3) requires that, before any forfeitable item may be transferred to a State Agency, County or Municipality, the municipal legislative body must publicly vote to accept the item(s) **if subsequently ordered forfeited by the Court;**

B. Under Rules issued by the Department of the Attorney General, a public vote must be made on each forfeiture "approval" and a "continuing resolution" of approval cannot be accepted;

C. As with all forfeitures, an approval of a transfer by the municipal legislative body does not guarantee either that the Defendant(s) *In Rem* will in fact be forfeited or, if forfeited, that the Court will order the item(s) transferred to the approving Department, Agency, County or Municipality. The municipal legislative body's approval only signifies that, if the Defendant(s) *In Rem* are in fact ordered forfeited and, if the Attorney General and the Court agree to a transfer of all or part of the Defendant(s) *In Rem* to a Department, Agency, County or Municipality based upon the "*substantial contribution*" of that Department, Agency, County or Municipality, then that entity is in fact, willing to accept the Defendant(s) *In Rem* or portions thereof. In order to streamline what is otherwise a cumbersome forfeiture process, it is our practice to seek State, county or

municipal approval in anticipation of the final order of forfeiture. However, final forfeiture is not guaranteed and both the municipal legislative body and the law enforcement agency involved are **cautioned** that they **should not encumber** funds or property until a Final Order granting them lawful title to the property is delivered to them;

D. Under the provisions of the Forfeiture Statute, if the municipal legislative body fails to approve a transfer in a timely manner, any forfeited items shall be transferred to the State of Maine General Fund.

Assuming your municipal legislative body does grant its approval, kindly see to it that the accompanying form is signed by the appropriate person and is "embossed" with the seal of the municipality. Then, please return the **original** to me for filing, and retain a copy for your records.

My sincere thanks for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Johanna Gauvreau
Assistant Attorney General
CRIMINAL DIVISION

Enclosure

STATE OF MAINE
Cumberland, ss

UNIFIED CRIMINAL COURT
Docket No. CR-17-6500

State of Maine	}	
	}	City of Portland
v.	}	Approval of Transfer
	}	15 M.R.S. §5824(3) and §5826
Jerome Davis a/k/a	}	
Jerel Ferguson,	}	
Defendant;	}	
	}	
And	}	
	}	
\$3,289.00 U.S. Currency	}	
Defendant(s) In Rem	}	

NOW COMES the City of Portland, Maine, by and through its legislative body, the City Council, and does hereby grant approval pursuant to Section 5824(3) and §5826(6) of Title 15 of the Maine Revised Statutes, to the transfer of any portion of the above captioned Defendant *In Rem* namely \$2,466.75 U.S. Currency, on grounds that the City of Portland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the Portland City Council does hereby approve of the transfer of the Defendant(s) *In Rem* to the City of Portland, Maine pursuant to 15 M.R.S. § 5824(3) and §5826(6) as approved on _____ 2018.

Mayor

(Impress municipal legislative body seal here)

MEMORANDUM
City Council Agenda Item

FROM: Benjamin Pearson
DATE: November 14, 2018
SUBJECT: **Communication 9-18/19 Re: Revisions to Rules and Regulations Schedule A - Sponsored by Jon P. Jennings, City Manager.**
SPONSOR: Jon P. Jennings, City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading **Final Action**

Can action be taken at a later date: Yes

Yes, a stay may be requested within 5 days. If not, the proposed changes go into effect thirty days later, on January 2nd, 2019.

PRESENTATION: None, but I will be present for any questions.

I. ONE SENTENCE SUMMARY

Schedule A of the Rules and Regulations for Use of the Sewer System are being updated to reflect an order approved by the City of Westbrook which impacts the sewer users in Portland within the Intermunicipal Agreement Area.

II. AGENDA DESCRIPTION

Discharge limits for Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS) are being updated to reflect an order approved by the City of Westbrook as required by their Maine Department of Environmental Protection Maine Pollutant Discharge Elimination System (MEPDES) permit. Schedule A contains the discharge limits for both Portland and Westbrook. Two areas within Portland utilize the sewer system in Westbrook and are under the Intermunicipal Agreement. Since the Intermunicipal Agreement area sewer users must meet the City of Westbrook effluent limits, the City of Portland Schedule A must be updated as well. All other language and limits in the Rules and Regulations for Use of the Sewer System and Schedule A will remain the same. The update is meant to reflect and standardize language found in the City of Westbrook, City of Portland, and Portland Water District's Rules and Regulations.

As a Communication this item requires no public comment or formal Council action.

III. BACKGROUND

The Rules and Regulations for Use of the Sewer System is comprised of seven sections.

- Section 1 – General Provisions
- Section 2 – Regulations of Wastewater Discharges
- Section 3 – Control Mechanism
- Section 4 – Reporting Requirements, Monitoring and Inspections
- Section 5 – Enforcement
- Section 6 – Sub-Meter Program

Section 7 – Fats, Oils, and Grease Program
Schedule A
Intermunicipal Agreement Exhibits

The first five sections pertain to the types of wastewater discharges allowed into the sanitary sewer system. These sections also detail the Industrial Pretreatment Program (IPP), a federally mandated program for any Publicly Owned Treatment Plant, and other limitations that are based on the Portland Water District's (PWD) East End Treatment Facility's ability to treat wastewater. No changes are being made to these sections.

Section six codifies the sub-meter Program. A sub-meter allows sewer users to pay charges for water and not sewer for certain water uses that will not end up in the sewer. The most common use of a sub-meter in a residential setting is for outside water use. For commercial settings, utilizing water in product and large scale irrigation is most common. No changes are being made to this section.

Section seven details the Fats, Oils, and Grease Program, passed in July 2015 as required by the Environmental Protection Agency's Consent Decree. No changes are being made to this section.

Schedule A lists the concentration limits of wastewater pollutant parameters that are allowed to be discharged into the sewer system. This section is being updated with the following language to reflect a recently passed order by the City of Westbrook:

“* Industrial users permitted in the Industrial Pretreatment Program and discharging effluent which exceeds a de minimis level of Biochemical Oxygen Demand (BOD) and/or Total Suspended Solids (TSS) are individually allocated a pounds per day limit for these parameters. The de minimis levels are 250 mg/L and/or 2,275 lbs/day for BOD and 300 mg/L and/or 1,925 lbs/day for TSS for Portland; and 250 mg/L and/or 375 lbs/day for BOD and 300 mg/L and/or 425 lbs/day for TSS for the Westbrook Intermunicipal Area. The Control Authority reserves the right to permit users based on their potential to discharge high strength BOD/TSS waste. Industrial Users permitted for BOD and TSS must report a certified discharge flow number with each monitoring event.”

Additionally, the previously listed discharge concentrations for the Intermunicipal Agreement area are being removed.

Intermunicipal Agreement Exhibits show the areas under agreement with the Portland Water District and City of Westbrook.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

To have the most up to date and accurate Rules and Regulations for Use of the Sewer System.

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

This is a minor update intended to reflect a recent order passed by the City of Westbrook and to standardize language with the City of Portland, City of Westbrook, and the Portland Water Districts Rules and Regulations.

VII. RECOMMENDATION

Acceptance of this Communication. Please contact me with any additional questions prior to the Council

meeting so I can provide answers then.

VIII. LIST ATTACHMENTS

1. 2019-01-02 Sewer Rules and Regulations With Cover Schedule A and Exhibits REDLINED
2. 2018-11-06 Communication to City Council - Revisions to Rules and Regulations Schedule A

Prepared by: Sonia Bean, Senior Administrative Assistant

Date: 11/14/2018

Portland, Maine



Yes. Life's good here.

PUBLIC WORKS DEPARTMENT

RULES AND REGULATIONS

FOR USE OF THE SEWER SYSTEM

EFFECTIVE JANUARY 2, 2019

~~SEPTEMBER 12 2018~~

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CITY OF PORTLAND
DEPARTMENT OF PUBLIC WORKS
RULES AND REGULATIONS FOR THE USE OF THE SEWER SYSTEM

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. As agreed upon in a Memorandum of Understanding, the City has designated the Portland Water District to manage and administer the Industrial Pretreatment Program, henceforth referenced as "designee". These rules set forth uniform requirements for Users of the System and enables the City and the Portland Water District 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 a 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 operation of 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 or its designee.

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@ (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

D E P - The Maine Department of Environmental Protection.

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.

Department - The City of Portland Department of Public Works.

Designee – The person or organization selected to manage and administer the Industrial Pretreatment Program. As of May 1st, 2018, the Portland Water District is the City of Portland's designee.

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 Douglass 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 designee 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, results 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 blood 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 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 or its designee 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, runoff, 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, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain 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 reclamation of wastewater and sewage 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. 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, septage 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.

RCRA - Resource Conservation and Recovery Act.

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 chemical have been added. Per 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) gallon per day (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 or its designee 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 or its designee 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, and 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 or its designee 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 its 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 or its designee 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 issued 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 industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

Wastewater Discharge Permit or Permit - The document issued by the City or its designee 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; and all other bodies 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 Intermunicipal Sewer Service Area - The domestic and sanitary sewage and waste water from the Service Area as defined on the plan attached as Exhibit A. The service area includes the Riverside Street/Warren Avenue/Forest Avenue vicinity of Portland as defined on the plan attached as Exhibit B, and the Brighton Avenue vicinity of Portland as defined on the plan attached as Exhibit C. The Riverside Street/Warren Avenue/Forest Avenue area is 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. The Brighton Avenue Area is intercepted by Westbrook and delivered to the existing Westbrook Gorham Regional Treatment Plant for treatment. Reference Council Order 50-16/17 @ 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 C F R Part 403, Appendix B.

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 or its designee 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. No wastewater with a pH equal to or greater than 12.5 will be authorized for discharge as it is considered hazardous waste.

- (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) Wastewater having a temperature greater than 140 degrees F (60 degrees C), or which will inhibit biological activity or cause damage in the Facility resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 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 or its designee 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 that 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 Prohibition of Wastes.

The Department or its designee 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)
 - (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) Any waters or wastes containing hydrocarbon (non-polar) 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).
- (c) In the **Westbrook Intermunicipal Sewer Service Areas**, any waters or wastes containing animal or vegetable based fats, wax, grease or oils, whether emulsified nor 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).

2.4 Specific Discharge Prohibitions in the Westbrook Intermunicipal Sewer Service Area

The following discharges to the Westbrook Intermunicipal Sewer Service Area 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 flash point 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 40CFR Chapter I, Subchapter N, Parts 405-471, the Local Discharge Limitations prescribed herein in Section 3.5, or a Wastewater 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 C F R Part 403, App B.
- (c) 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 or its designee 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.)

- (d) 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.
- (e) 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;
- (f) 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 D E P "Rules for Agronomic Utilization of Residuals – MRSA Title 38, Section 1304, Chapter 419.

- (g) 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.
- (h) 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.
- (g) Any wastewaters with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (h) Any wastewater having a temperature which may inhibit biological activity in the Facility resulting in interference, but in no case wastewater which causes the temperature at the introduction to the treatment plant to exceed 40 degrees Centigrade (104 degrees Fahrenheit).
- (i) 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.
- (j) Any sludges or deposited solids resulting from an industrial pretreatment process.
- (k) Any petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts that will cause Interference or Pass Through.
- (l) 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;

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

In addition to the wastes listed in Section 2.4, the following discharges to the Facility are specifically prohibited:

- (a) Water from roof downspouts, foundation drains, or areaway drains, or other sources of surface runoff or groundwater; nor discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters, except into storm drains.
- (b) Any gasoline, benzene, naphtha, fuel, flammable or explosive liquid, solid or gas.
- (c) Any petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts that will cause Interference or Pass Through.
- (d) Any sludges or deposited solids resulting from an industrial pretreatment process.
- (e) Any radioactive wastes greater than allowable releases as specified by state or federal regulation.
- (f) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, as determined by the city engineer, either singularly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of any wastewater treatment plant now or in the future to be treating wastewater from the city; including, but not limited to those which exceed the limitations set forth in a National Categorical Pretreatment Standard found in 40 C.F.R. Chapter I, Subchapter N, Parts 405-471, the Local Discharge Permit issued pursuant to those as defined in standards issued from time to time under Section 307(a) of the Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500. 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 C.F.R. Part 403, App. B.

- (g) Any slug of wastes as defined in section 26-4 of the City of Westbrook Code of Ordinances
- (h) 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, whole blood, paunch manure, 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, underground garbage, paper dishes, sups, whole or ground mild containers, and all other solid objects, material, refuse, and debris not normally contained in sanitary sewage.
- (i) Any waste which, either singly or by interaction with other wastes may result in the presence of toxic vapors, gases, or fumes within the POTW in a quantity that may cause worker health or safety problems, or are sufficient to prevent entry into the sewers for maintenance and repair.
- (j) 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 affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, or Maine D.E.P. "Rules for Land Application of Sludge and Residuals" – M.R.S.A. Title 38, Section 1304, Chapter 567.
- (k) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause Interference to the Facility or Pass Through to the Waters of the State.
- (l) The city engineer may also prohibit or limit any hexavalent chromium, aluminum, tin, fluorides, phenols, chlorides or sulfates.
- (m) Any reducing substances having an immediate chlorine demand exceeding 30.0 mg/l.
- (n) 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.
- (o) Any liquid or vapor other than water having a temperature higher than one hundred fifty (150) degrees Fahrenheit (65 C).
- (p) Any waste which may create a fire explosion hazard in the facility, including, but not limited to, waste streams with a closed cup flash point of less than one hundred forty (140) degrees Fahrenheit (60 degrees Centigrade) using the test methods specified in 40 CFR 261.21.
- (q) Any waters or waste 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 temperatures between thirty-two (32) degrees and one hundred fifty (150) degrees Fahrenheit (0 and 65 C). (Ord. of 9-19-77; Ord. of 5-15-06)

2.6 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 hereby 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 or its designee shall notify all affected Users of the applicable requirements under the Act; and subtitles C and D of the Resource Conservation and Recovery Act.

2.7 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 or its designee may apply to the EPA for modification of the discharge limits for a specific pollutant covered in the relevant national Categorical Pretreatment Standards in order to reflect the Facility's ability to remove said pollutant. The City or its designee 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.

2.7.1 The City or its designee may develop Best Management Practices by rule for individual wastewater discharge permits to implement Local Limits and the requirements of Section 2.2.

2.8 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 and hereby incorporated in these Rules and Regulations establishes limitations 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 to that National Categorical Pretreatment Standard. Compliance with National Categorical Pretreatment Standard limitations shall be determined in accordance with the requirements set forth in 40 CFR §403.12(b)(5).

2.9 State Requirements

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

2.10 City's Right of Revision

The City or its designee 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.

2.11 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 either with the limitations contained in any National Categorical Pretreatment Standard or Pretreatment Requirement, or in any other pollutant-specific discharge limitation developed by the City, the District, or the EPA.

2.12 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 hereto, and the prohibitions set out in Section 2.2 of these Rules within the time limitations specified by EPA, the State, the City, or the District, whichever is more stringent. Any facilities required to pretreat wastewater to a level which will achieve compliance with these Rules and Regulations shall be provided, operated and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City or its designee for review and shall be acceptable to the City or its designee before construction of the facility. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent which complies with the provisions of these Rules and Regulations or from liability for non-compliance with Pretreatment Standards or

Pretreatment Requirements and 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 or its designee prior to the User's initiation of the changes.

- (a) Whenever deemed necessary, the City or its designee may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this ordinance.
- (b) The City or its designee 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 or its designee 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.

2.13 Records and Public Notification Procedures.

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, City, or District upon request. In addition, pursuant to the public participation requirements of 40 CFR Part 25, the City or its designee shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the City or its designee, 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 equals or exceeds 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 or its designee 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;
- (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 or its designee determines will adversely affect the operation or implementation of the local pretreatment program.

2.14 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 Industrial User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City or its designee for review and shall be approved by the City or its designee.

No Industrial User shall be permitted to introduce pollutants into the Facility until accidental discharge procedures have been approved by the City or its designee. 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 or its designee 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 or its designee 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.

2.15 Slug Discharge.

At least once every two years, the City or its designee 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 or its designee 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 CFR §403.5(b), with procedures for follow-up written notification; and

- (d) If necessary, procedures to prevent adverse impact from accidental or Slug Discharge. 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 organic pollutants, including solvents, and/or measures and equipment for emergency response.

2.16 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 or its designee 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 or its designee, 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 or its designee 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 a Wastewater Discharge Permit from the City or its designee, 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 or its designee 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 or its designee 60 days prior to discharging into the sewer collection system. Upon review and approval of such application, the City or its designee may issue a permit to the User which requires the User to abide by these Rules and Regulations, including 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 or its designee:

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, then the Industrial 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 or its designee including, as a minimum, whether or not it complied with the 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 or its designee.
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 or its designee to be necessary to evaluate the Permit application.

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

The following certification statement is required to be signed and submitted by Users submitting the permit applications in accordance with Section 3.2; Users submitting baseline monitoring reports under 40 CFR 403.12(l)]; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under 40 CFR 403.12(d)]; Users submitting periodic compliance reports required by 40 CFR 403.12(e) and (h)], and Users submitting an initial request to forego sampling of a pollutant on the basis of 40 CFR 403.12(e)(2)(iii). The following certification statement must 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 CFR _____ [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 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 or its designee prior to or together with any reports to be signed by an Authorized Representative.

3.4 Wastewater Discharge Permit Approval.

The City or its designee will evaluate the data furnished by the Industrial User. The City or its designee may require additional information. Within forty-five (45) days of receipt of a complete permit application, the City or its designee will determine whether to issue an individual wastewater discharge permit. The City or its designee may deny any application for an individual wastewater discharge permit and may require additional information. After evaluation of the data furnished, the City or its designee 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 or its designee 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 or its designee 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 or its designee to be necessary.
- (h) Any grant of the monitoring waiver by the City or its designee (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 the 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 or its designee 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 or its designee.
- (b) Public Notification: The City or its designee 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 web page], 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 permit issuer 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 issuer. If, after considering the petition and any arguments put forth by the User, the issuer determines that reconsideration is proper, it shall remand the Permit back for reissuance. Those Permit provisions being reconsidered by the issuer shall be stayed pending reissuance.
 - (4) Issuer'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 issuer action must do so by filing a complaint with the manager of the issuer and then to the Superior Court for Cumberland County within thirty (30) days of the issuer's decision if necessary.

3.7 Permit Modification

The City or its designee 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 or 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 or its designee 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 or its designee.
- (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 or its designee 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 or its designee and any Industrial User whereby wastewater of unusual strength or character is accepted into the Facility and specially treated and subject 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 or its designee, 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 or its designee 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 or its designee 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 or its designee 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 or its designee 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 or its designee. The reports 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.
- (d) **Compliance Deadline Report:** Within ninety (90) days following the date for final compliance with an applicable Pretreatment Standards or Requirements 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 or its designee 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 or its designee during the months of June and December, unless required more frequently in the applicable Pretreatment Standard or Requirement or by the City or its designee, 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 or its designee and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the City or its designee 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 or its designee 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 its designee 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 or its designee and designated in the N-S-I's Industrial Discharge Permit.
- (i) Elimination or change of Discharge: The Industrial User shall notify the City or its designee 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 operational procedures, 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 or its designee 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 or its designee, 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, batch, 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 information 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 or its designee in advance, 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 or its designee, 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 or its designee 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 or its designee, 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 or its designee 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 or its designee 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 or its designee 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 or its designee within thirty (30) days after becoming aware of the violation. The Industrial User may not be required to resample, however, if the City or its designee 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 or its designee 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 or its designee may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by categorical a 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 or its designee 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 or its designee 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 or its designee, 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 or its designee and notify the City or its designee.
- (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 or its designee 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 or its designee 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 or its designee 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 or its designee 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 or its designee, 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 or its designee 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 or its designee.
- (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 or its designee 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 or its designee 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 and located 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 or its designee.

4.5 Inspection and Sampling

The City or its designee 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 or its designee 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 or its designee shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- (b) The City or its designee 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 or its designee 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 or its designee 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 or its designee and shall not be replaced. The costs of clearing such access shall be borne 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 or its designee has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate 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 or its designee 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 or its designee may seek issuance of a search warrant from the Maine State Court.

4.6 Confidentiality of Information

- (a) In accordance with 40 CFR §403.14 and MRSA §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 or its designee, 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 or its designee 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 or its designee which is effluent data, as defined at 40 CFR §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 or its designee as confidential shall not be made available for inspection by the public, except as provided by 40 CFR §2.302 and MRSA §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, the District, 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 or its designee 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 or its designee 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 or its designee.
- (b) When the City or its designee finds that a User has violated the discharge limitations as set forth in the User's permit, the City or its designee 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 or its designee a written report with corrective and preventive action taken to prevent recurrence.
- (c) Nothing in this section shall limit the authority of the City or its designee to take any action, including emergency actions 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 or its designee 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 or its designee.
- (e) If the City fails to act within a reasonable period of time such deleterious acts, or otherwise fails to act responsibly in protecting the Facility, the District may directly impose requirements to correct deleterious acts or violations of these Rules and Regulations on persons, firms, or corporations causing or contributing to such violations. In such cases any action required by the District such as, but not limited to, pretreatment of 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 or its designee 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 or its designee by reason of such violation. The City or its designee may seek injunctive relief for the purposes of enforcing these Rules.

5.3 Appeals Process

Whenever the person receiving written notice shall deem oneself 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.

Whenever the person receiving written notice of violation issued by the Portland Water District under this Article, the notice shall be subject to review by issuer's manager and then the superior court under Rule 80B of the Maine Rules of Procedure within thirty (30) days of the decision if necessary.

5.4 Enforcement Response Plan

The City or its designee shall maintain and enforce an Enforcement Response Plan (ERP) to specify detailed procedures which the representatives of the City or its designee 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.

6. SUB-METER PROGRAM

6.1 Purpose and Scope

It is the purpose of these Rules & Regulations to set forth uniform requirements for users of the City of Portland Sewer System in regard to volumetric measurement of sewer discharge. The Portland City Council on January 7, 2013 authorized an Amendment to Sewer User Charge Collection Agreement between the City of Portland and the Portland Water District under Council Order 138-12/13. In March 2013, modifications to Chapter 24 - Sewers of the City of Portland's Code of Ordinances were made to reflect the requirements of the Agreement which documents procedures and processes for billing Portland sewer users including the development of a revised sub-meter program that is managed by the Department of Public Works, specifically Section 24.75 Volume Measurements.

The program is optional and the customer will be required to bear all costs associated with the installation and maintenance of the sub-meter. Under the City's program the following two types of sub-meters can be installed:

1. Deductive/Subtractive Sub-meter in which your wastewater bill is reduced by usage that flows through this sub-meter and does not discharge to the sewer. This sub-meter is used to measure the water not entering the sanitary sewer system and is normally associated with irrigation of lawns and gardens, cooling towers on buildings and pool filling. By installing this sub-meter, you will be able to water your lawn and fill your pool without paying a sewer charge for the water used. This is the typical sub-meter for most residential applications.
2. Sewer/Reverse Mode Sub-Meter in which your wastewater bill is calculated on usage that flows through this sub-meter and discharges into the sewer. This sub-meter is used to measure water that is being discharged to the sanitary sewer system and is normally associated with post process wastewater, cooling tower blow down or industrial wastewater discharge. By installing this sub-meter, your wastewater bill will be calculated by the volume that discharges through this sub-meter. This is a sub-meter that may be used in some commercial/ industrial applications. Sewer/Reverse mode sub-meters will be required to receive an annual calibration by a certified technician/ plumber with documentation of such submitted to the City.

It is intended that these Rules & Regulations provide guidance and requirements for compliance with the City of Portland's Sub-meter Program. It is also intended that these Rules & Regulations conform with and supplement the City of Portland Sewer Use Ordinance, the Federal Water Pollution Control Act (33 U.S.C. §1251 *et seq.*) as amended, State of Maine Statutes, and Section 16 of the Portland Water District Charter.

6.2 Definitions

For the purposes of these Rules, all words shall have their normal meanings and such meanings as may be in common use in the field when installing or reading certain types of meters. Certain words are more particularly defined as follows:

Blow-down – Water discharged from a cooling tower system to control concentration of salts or other impurities in the circulating water.

Cooling Tower – a heat rejection device; common applications for cooling towers are providing cooled water for air-conditioning, manufacturing and electric power generation

Customer - means an owner or operator of a property receiving wastewater charges from the Portland Water District Utilities on a Combined Utility Billing Statement , “Water Charges and Wastewater Charges” by direct invoice.

Deductive / Subtractive Sub-Meter - Wastewater bill is reduced by usage that flows through this sub-meter and does not discharge to the sewer. This sub-meter is used to measure the water not entering the sanitary sewer system and is normally associated with irrigation of lawns and gardens, cooling towers on buildings and pool filling. By installing this sub-meter, you will be able to water your lawn and fill your pool without paying a sewer charge for the water used. This is the typical sub-meter for most residential applications.

DPW - Department of Public Works located at 55 Portland Street Portland Maine 04101

Evaporation Loss - water evaporated from the circulating water into the atmosphere by the cooling process

HCF = Hundred Cubic Feet = 748 gallons = 1 HCF.

Irrigation - means water used exclusively for watering lawns and gardens.

Make-up Water - Water added to the circulating water system to replace water lost from the system by evaporation, drift, blow-down, and leakage

Metered Water Consumption - means water measured through public utility meters or meters owned and installed by the customer and approved by the Director of Portland Public Works.

Multiple Use Facility - means commercial or industrial parks, office complexes, marinas, and others specifically identified in commission rules with five or more units.

Owner - means the legal titleholder of an apartment house, manufactured home rental community, or multiple use facility and any individual, firm, or corporation that purports to be the landlord of tenants in the apartment house, manufactured home rental community, or multiple use facility.

PRIMARY WATER METER – Single meter measuring the volume of water in HCF for Residential, Commercial, Governmental and Industrial customers within the City of Portland limits. This water is supplied and billed by PWD.

PWD – Portland Water District located at 225 Douglass Street Portland Maine 04102

Sewer Rate Impact - means the dollar charge per HCF of wastewater measured in accordance with Chapter 24: Sewer Ordinance.

Sewer Main - means an artificial conduit to carry off sewage and sometimes surface water (as from rainfall).

Sewer / Reverse Mode Meter - Wastewater bill is calculated on usage that flows through this sub-meter and discharges into the sewer. This sub-meter is used to measure water that is being discharged to the sanitary sewer system and is normally associated with post process wastewater, cooling tower blow down or industrial wastewater discharge. By installing this sub-meter, your wastewater bill will be calculated by the volume that discharges through this sub-meter. This is a sub-meter that may be used in some commercial/ industrial applications. Sewer/Reverse mode sub-meters will be required to receive an annual calibration by a certified technician/ plumber with documentation of such submitted to the City.

Single-Family Residence - means an individual dwelling unit with no commercial use and one (1) water meter.

Sub-meter - means a meter installed down the line from a Primary water meter, measuring a portion of the total amount of water delivered through the Primary water meter.

Treatment Plant- means the removal and disposal of sewage and surface water by sewers, or a system of sewers.

Wastewater - means refuse liquids or waste matter carried off by sewers; a synonym for sewage.

Wastewater Volume Charge (WWVC) - means the dollar charge equal to the wastewater volume rate multiplied by the measured volume of water from all sources consumed on the premises plus any applicable franchise fees, in accordance with Chapter 24: Sewer Ordinance.

6.3 Use of Sub-meters

- (a) The sub-meter program allows City of Portland sewer system customers to use data from private water sub-meters in the calculation of their wastewater volume charge (WWVC).
- (b) A DPW staff member will assist in determining whether the applicant needs a Deductive/Subtractive Sub-meter or Sewer/Reverse Mode Sub-Meter application.
- (c) Each sub-meter must be installed and configured to separate the water distribution lines on the customer's property which drain to the sanitary sewer ("tributary lines") from those which do not drain to a sanitary sewer ("non-tributary lines").
- (d) The applicant will be responsible for all costs associated with the installation and maintenance of the private sub-meter. The private sub-meter belongs to you.
- (e) The cost of the installation for the sub-meter by a third party plumbing contractor is the responsibility of the applicant.
- (f) Since the sub-meter will be private, the applicant will be required to maintain it in good operating condition per manufacturer's specifications.
- (g) Sub-meters measuring wastewater volumes returning to the sewer system will be required to under an annual calibration by a certified technician/ plumber with documentation of such submitted to DPW.
- (h) Direct discharge of wastewater or industrial waste to salt or fresh water or to points other than the City sewer system shall not be cause for adjustment or reduction of the wastewater volume charge or rate unless measure through a sub-meter.

6.3.1 Deductive/Subtractive Sub-meter

- (a) In the residential situation, tributary lines serve interior (domestic) uses, and non-tributary lines serve exterior (primarily irrigation/ pool) uses.
- (b) The customer or their hired contractor shall install the private sub-meter on the non-tributary line.
- (c) Additional hose bibs (faucets and spigots) may remain attached to the tributary line, but no credit against the WWVC will be given.
- (d) In the commercial situation, tributary lines may serve interior (domestic) uses as well as process water in the manufacture of goods or commodities, fire suppression service availability, delivery of water to ships, ice generation and water cooling towers (to name a few). The sub-meter will be installed to measure flows which are not being returned/ discharged to the sewer system.

6.3.2 Sewer/Reverse Mode Sub-Meter

- (a) In the commercial / industrial situation, tributary lines may serve interior uses which reduce the volume of water discharging into the sewer. Several examples include food or beverage production, cooling tower blow down, post production / process wastewater or industrial wastewater discharge. By installing this sub-meter, your wastewater bill will be calculated by the volume that discharges through this sub-meter.
- (b) The use of such a meter will be investigated and coordinated with DPW during the application process.
- (c) Sewer/Reverse mode sub-meters will be required to receive an annual calibration by a certified technician/plumber with documentation of such calibration submitted to the City.

6.4 Application and Installation of Sub-meter

The following steps are required for the purchase and activation of any sub-meter:

1. Applicant will consult with DPW staff to review purpose, size and location of sub-meter. (Appointments can be made by calling 874-8846.)
2. Applicant must prepare and submit an application (available at the Street Opening Desk of Public Works, 55 Portland Street).
3. Applicant must sign application certification statement.
4. Before a sub-meter can be installed DPW must review, approve and authorize any sub-meter application.
5. Applicant will be responsible for any and all costs associated with the sub-meter and shall pay for said sub-meter at the Street Opening desk at DPW.
6. DPW staff authorizes PWD to ship the sub-meter (or order for pickup if greater than 3”).
7. Applicant shall install sub-meter and notify DPW when ready for inspection.
8. DPW shall contact authorized plumbing contractor for inspection of the sub-meter.
9. Public Works will notify PWD to activate the sub-meter account once inspection is completed and approved by DPW staff.

6.5 Reading of Sub-meter by PWD

- (a) PWD mobile meter reading vehicle must be able to read the sub-meter from the main road without entering the customer's driveway. Factors such as: terrain surrounding your property; the distance from the property to the main road (under 300 feet is optimal); and the distance the sub-meter is to an outside wall could interfere with transmission of the reading. Disclaimer: PWD does not guarantee the sub-meter will be able to be read from the main road.
- (b) If PWD's mobile meter reading vehicle is unable to read the sub-meter from the main road on the first read date following installation, PWD will send a letter to the customer stating the sub-meter could not be read. No sub-meter credit will be given until PWD's mobile meter reading vehicle can read the meter. Customers can contact the District to attempt to have the mobile meter reading vehicle pick up a sub-meter reading from their driveway. A successful driveway read indicates the equipment is working properly, but the meter and/or electronic reading device needs to be re-positioned to pick up a signal from the main road. There is a PWD Troubleshooting Fee of \$19 per visit for this service that will be billed to your PWD account.

7. FATS, OILS, AND GREASE PROGRAM

7.1 Authority

- (a) As allowed in Chapter 24; Section 47, part 8, of the City's Code of Ordinances, and Chapter 2; Section 10, part C of the City's Rules and Regulations for Use of the Sewer System, the following rules are addressing the City's Fats, Oils, and Grease Program. City staff have right of entry for inspection and sampling as allowed by Chapter 24; Section 52.
- (b) As allowed in Chapter 10 of Uniform Plumbing Code version 2009 in Section 1014.0.

7.2 Purpose

- (a) The intent of this policy is to establish transparent design standards and procedures in order to regulate Food Service Establishments relative to wastewater discharges containing animal based fats, oils, and greases. The City of Portland's goal with this program is to prevent excessive introduction of oil and grease into the sewer system and wastewater treatment plants. Oil and Grease have the potential for creating sanitary sewer overflows, hazardous conditions in the collection system, treatment plant inhibitions, increased treatment cost, fines and other cost for the City.

7.3 Definitions

25% Rule - The "25 Percent Rule" is a benchmark for interceptor servicing when the interceptor is 25% filled with fats, oils, greases and solids.

Additives - Include but are not limited to products that contain solvents, emulsifiers, surfactants, caustics, acids, and enzymes

Automatic Grease Recovery Unit (AGRU) - An electro-mechanical grease control device that separates and removes FOG and solid particles from the wastewater stream prior to discharging to the sewerage system. The AGRU is typically installed immediately downstream from a plumbing fixture's point of discharge. Dishwashers cannot be plumbed into these devices.

Best Management Practices (BMP's) - Schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the introduction of FOG to the sewerage system.

Flow Control – device, either internal or external to grease control equipment, which controls the influent flow rate and must be present on the inlet side for equipment to work properly. Also referred to as a reducer.

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

Food Service Establishment (Food Service Establishment) - Any establishment, business, facility or user engaged in preparing, serving or making food available for consumption. Single family residences are not a Food Service Establishment.

Grease (Brown) - Fats, oils and grease that is discharged to the grease control equipment, or is from kitchen or food prep wastewater.

Grease (Yellow) - Fats, oils and grease that has not been in contact or contaminated from other sources (water, wastewater, solid waste, etc.) and can be recycled.

Grease Control Equipment (GCE) - Devices for separating and retaining Food Service Establishment's wastewater FOG prior to entering the City of Portland sewer system. The grease control equipment is constructed to separate and trap or hold fats, oils and grease substances from entering the sewer system. Grease control equipment should only receive kitchen wastewater. Devices include grease interceptors or other devices approved by the City of Portland.

Grease Interceptor (GI) – the grease control equipment identified as a large multi-compartment tank, usually 1,000 gallon to 2,000 gallon capacity with proper venting, inlet and outlet T's, and other necessary components, that provides FOG control for a Food Service Establishments. Only sinks, floor drains, and other waste lines from kitchen drainage shall be plumbed to the grease interceptor. No sanitary wastewater line should be connected to the grease interceptor. Grease interceptors will be located exterior to the Food Service Establishment. Any GI must be certified by the Plumbing and Drainage Institute and be approved by the City of Portland.

Interference – a discharge that, alone, or in conjunction with a discharge, or discharges, from other sources, both inhibits, or disrupts, the publicly owned treatment works, it's treatment processes or operations, or sludge process, use, or disposal, and is a cause of a violation of any requirement of the City of Portland's National Pollutant Discharge Elimination System.

Uniform Plumbing Code – A model code developed by the International Association of Plumbing and Mechanical Officials to govern the installation and inspection of plumbing systems as a means of promoting the public's health, safety and welfare. The City of Portland enforces the Uniform Plumbing Code.

7.4 General Requirements

- (a) All Food Service Establishments must have grease-handling equipment that work and are maintained. Establishments whose grease-handling facilities or methods are not adequately maintained to prevent floatable oils, fat or grease from entering the sewerage system shall be notified in writing of any noncompliance. (For example, a collapsed or deteriorated baffle wall, leaks, infiltration and inflow, improperly located components, and any other deficiencies that will prevent the grease interceptor from working properly.)
- (b) Regularly scheduled maintenance of grease-handling facilities and equipment is required to ensure adequate operation. All grease interceptors must be cleaned, maintained and repaired as needed. All grease interceptors must be pumped out completely. Outside interceptors should be pumped quarterly and small under the sink grease interceptors should be pumped monthly or more frequently based on size and grease production.
- (c) All Food Service Establishments grease-handling facilities shall be subject to review, evaluation, and inspection by City of Portland staff during normal working hours. Results of inspections will be made available to facility owner, leaseholder or operator. City of Portland staff may lend assistance and make recommendations for correction and improvement.
- (d) Food Service Establishments whose operations cause or allow excessive grease to discharge or accumulate in the City of Portland collection system may be liable for costs related to line blockages, line cleanings, and line and pump repairs, etc. including all labor, materials, and equipment.
- (e) The introduction of emulsifying agents such as chemicals, solvents or enzymes directly or indirectly into the grease interceptor, other than what is considered typical business operational practices such as dishwashing or sanitation, is strictly prohibited. By approval from the Director of Public Works, products which reduce Fats, Oil and Grease (FOG), such as bacteria, may be used in addition to the regular grease interceptor maintenance program, but will not be a consideration in determining grease interceptor sizing or maintenance frequency.
- (f) The user must maintain a file on site of the records and other documents pertaining to the facility's grease interceptor. The file contents shall include, but is not limited to, record of inspections, log of pumping activities and receipts, log of maintenance activities, hauler information, and disposal information. The file must be available at all times for inspection and review. Records must be maintained for a period of three (3) years.

7.5 Compliance

7.5.1 New or Remodeled Food Service Establishments

- (a) Food Service Establishments may be allowed to continue current operations without significant modifications until such time as:
- (1) Significant remodeling is performed at the Food Service Establishment facility, and/or
 - (2) Change in ownership, and/or
 - (3) The facility's existing grease control equipment is deemed to be of substandard size and/or design, and/or
 - (4) The Food Service Establishment is shown to be the cause of a FOG blockage in the City of Portland's sewer collection system and/or
 - (5) Food Service Establishment has a change of operation that will increase the quantity and/or frequency of FOG discharge and/or
 - (6) Any other reason deemed by City of Portland as appropriate for significant modifications including improperly installed equipment, equipment with missing flow controls, or non-functioning equipment
- (b) New construction of Food Service Establishments shall conform to the Uniform Plumbing Code enforced by the City of Portland and have separate sanitary (restroom) and kitchen process lines. The kitchen process lines shall be plumbed to grease control equipment. Kitchen process lines and sanitary lines may combine prior to entering the public sewer; however the lines cannot be combined until after the grease control equipment. Sanitary wastewater, or black water, cannot be connected to grease control equipment.

Minimum acceptable size of grease control equipment for each Food Service Establishment classification will be as follows:

Class 1 - Ice Cream shops, Coffee Shops, Beverage Bars (non-alcoholic and alcoholic), and Bagel Shops – engaged in the sale of cold-cut and microwaved sandwiches with no frying or grilling on site – **25 gallons per minute Automated Grease Removal Unit or approved alternative.**

Class 2 - Limited-Service Restaurants, Caterers, Supermarkets and other Grocery (except Convenience) Stores that engage in the on-site preparation of food, and both Convenience Stores and Gasoline Stations with Convenience Stores that engage in the on-site preparation of food – **25 gallons per minute Automated Grease Removal Unit or approved alternative**

Class 3 – Full service restaurant – **1,000 gallon GI, Automatic Grease Removal Unit or approved alternative**

Class 4 – Buffet and Cafeteria Facilities – **1,500 gallon GI, Automatic Grease Removal Unit or approved alternative**

Class 5 - Institutions (i.e. Schools, Hospitals, Prisons, etc.) - – **2,000 gallon GI, Automatic Grease Removal Unit or approved alternative**

Monthly or Quarterly service agreement for maintenance and full pump out is required based on capacity of grease control equipment and expected grease output. Records must be kept on site for a minimum of three years and will be inspected periodically by the Department of Public Health or Department of Public Works.

7.5.2 Variance

- (a) Automatic Grease Control Unit

At the discretion of the City of Portland, in some instances where an AGRU is required, a Food Service Establishment may request a variance in lieu of the required installation where limited grease production

is expected and a grease control plan which includes alternative equipment, best management practices, maintenance agreements, or other grease control measures.

(b) 1,000 Gallon Grease Interceptor

At the discretion of the City of Portland, in some instances where a minimum 1,000 gallon capacity or equivalent grease interceptor is required, a Food Service Establishment may request a variance in lieu of the required installation of a 1,000 gallon capacity or equivalent grease interceptor where unusual circumstances, such as space constraints or in the interest of historical preservation, would render an otherwise typical grease interceptor installation impractical or unreasonable. A variance may be granted provided that there is a grease control plan which includes alternative equipment, best management practices, maintenance agreements, or other grease control measures.

Any variance request must be approved by the City of Portland. Final specifications for the capacity and type of all new grease control equipment for any given Food Service Establishment kitchen equipment / plumbing fixture configuration must be approved by City of Portland prior to installation.

7.6 Grease Control Equipment Specifications

- (a) Grease Control Equipment must remove fats, oils, and grease to a level at or below that which is required by City of Portland Ordinance Section 24-47 Prohibited Wastes.
- (b) Grease Control Equipment must meet requirements found in Uniform Plumbing Code Chapter 10, section 1014.1, 1014.1.1, and 1014.1.2.
- (c) New or replacement grease interceptor installations shall be of the Automatic Grease Recovery Unit (AGRU) type unless a variance is approved.
- (d) Grease Interceptors must be located so as to be readily accessible for cleaning, maintenance and inspections. They should be located exterior to the FOG point of discharge and / or in a location approved by the City of Portland. In the event that the GI will be located in the right-of-way, a license agreement must be obtained prior to the installation from the City of Portland Corporation Council.
- (e) Grease interceptors must be protected against siphonage, back-pressure, and air circulation throughout all parts of the drainage system by means of a vent pipe installed in accordance to Chapter 10, Section 1014.0 of the Uniform Plumbing Code enforced by the City of Portland.
- (f) 1,000 gallon grease interceptor specifications can be found in the City of Portland Technical Manual in Chapter 2, Section II-19.

7.7 Restrictions and Prohibitions

- (a) Sink water temperatures will not exceed 140 degrees Fahrenheit if discharged into a grease interceptor or AGRU.
- (b) Dishwashers are not allowed to be discharged through an internal grease interceptor, without prior approval of the enforcement authorities.
- (c) Food Grinders are not allowed to be discharged through a grease interceptor.
- (d) The use of emulsifying agents such as solvents, acids and caustics, and other toxic and or hazardous chemicals, and petroleum products known to have uses as a declogger or degreaser is prohibited. Biological enzymes are prohibited unless approved by the Director of Public Works.

7.8 Maintenance

7.8.1 Automatic Grease Control Unit or Passive Grease Interceptor

- (a) The owner and/or operator of an establishment subject to these regulations shall check the grease storage container and empty collected grease into a leak proof container for storage prior to disposal daily. For passive grease interceptors, the lid should be removed daily for inspection and removal of collected FOG.
- (b) The owner and/or operator of an establishment subject to these regulations shall open and inspect all Automatic Grease Control Units or passive grease interceptors on a weekly basis, at minimum.
- (c) Passive interceptors shall be completely cleaned out as needed, but at minimum of once per month. Passive interceptors may need to be cleaned out more frequently based on grease production and capacity.
- (d) The AGRU shall be completely cleaned out as needed, but at minimum on a quarterly basis. Inlet/outlet pipes and baffles shall be inspected, and maintained free of all caked on FOG and residual waste.
- (e) The maintenance provider shall provide written documentation to the establishment on the services provided, date, quantity of material removed, and disposal facility. The owner or operator shall maintain this documentation on site and have it available for inspections.

7.8.2 Grease Interceptor

- (a) The owner and/or operator of an establishment subject to these regulations shall open and inspect all Grease Interceptors on a monthly basis. Cleanouts shall be scheduled based on the 25 % rule, or at minimum once every three months, whichever is more frequent. Partial pump of interceptor contents or on-site pump & treatment of interceptor contents will not be allowed due to reintroduction of fats, oils and grease to the interceptor and pursuant to the Code Federal Regulation (CFR) § 403.5 (b) (8) and Section 24-47 of the City of Portland Code of Ordinances.
- (b) The unit shall be maintained in an efficient operating condition at all times. Cleanouts shall be performed by a licensed hauler and shall include the complete removal of all the contents and cleaning of the unit. The hauler shall provide written documentation to the establishment on the services provided, date, quantity of material removed, and disposal facility. The owner or operator shall maintain this documentation on site and have it available for inspections.

7.9 Waste Fats, Oils, & Grease Storage and Removal

- (a) Waste grease and oil shall not be disposed of in the sanitary sewer. All waste fats, oil and grease must be collected in an appropriate container provided by a waste management vendor, and stored in an accessible but secure location on the premises. The container must be stored on an impervious surface such as concrete or pavement. Efforts should be made to prevent any spilled liquid from entering into any nearby drains. Containers must be capable of being sealed to prevent entry of precipitation, or stored in a sheltered area. During storage, all grease containers and surrounding areas shall be maintained in a clean and sanitary condition at all times.

7.10 Record Keeping

- (a) All Food Service Establishments are required to have grease control equipment installed, maintained and operating properly at all times and maintain records of cleaning and disposal of FOG.
- (b) A record of all servicing of the grease interceptor shall be kept on file at the Food Service Establishment and shall be accessible during normal business hours. Such records shall include the dates, quantities pumped, condition, any repairs and the identity of the person or business that conducted the service. The

City of Portland may require such records to be submitted directly to the Health Department, or to the City of Portland annually with a business license renewal. The Food Service Establishment shall maintain grease control equipment maintenance records for three (3) years.

7.11 Enforcement

Enforcement action against the Food Service Establishment may be taken for various reasons including but not limited to: failure to clean or pump out grease control equipment; failure to maintain grease control equipment including inspection and installation of properly functioning effluent- Tee and baffles; failure to install grease control equipment; failure to control FOG discharge from the Food Service Establishment; contributing to a sewer line blockage or obstruction; contributing to a Sanitary Sewer Overflow; or use of additives.

Enforcement action and penalties for Food Service Establishment's that are not in compliance with the Fats, Oils and Grease Management Policy are as follows:

Based on *City of Portland Code of Ordinances Chapter 24 Section 47* the following apply:

Fats, Oils and Grease blockage in sewer line caused by a Food Service Establishment:

1. Any establishment failing to comply with or violating any provision of this article shall be served by the public service 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.
2. Any establishment which causes a blockage in a sewer line will be required to apply and receive an Industrial Discharge Permit through the Department of Public Works prior to discharging any wastewater to the sewer system. The establishment will be required to provide records of maintenance of grease control equipment, implement best management practices, and may be required to upgrade grease control equipment to prevent a future blockage.
3. 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.

Food Service Establishment failure to maintain grease control equipment after Notification:

1. Whenever it is determined that the frequency of pumping of a grease interceptor is inadequate, the City of Portland shall notify the establishment as being in non-compliance with the Fats, Oils, and Grease Program. If initial contact with the establishment is unsuccessful, a second attempt will be made within three days.
2. If no contact can be made, the intent of the department to have the grease interceptor pumped at a specified date, generally ten (10) working days from the notice (if not pumped by the Food Service Establishment prior to the specified date) will be made through Certified Letter.
3. Whenever the grease interceptor is pumped by the Department or its contractor, the customer shall be charged twice the actual cost of pumpage. Charges shall be added to the customer's regular bill for sewer service or may be billed separately.

8. SCHEDULE “A”

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

PORTLAND POTW LIMITS		INTERMUNICIPAL AGREEMENT LIMITS	
Parameter	Discharge Limits Daily Maximum	Parameter	Discharge Limits Daily Maximum
BOD*	*2,275 lbs/day	BOD	1,371 mg/L
TSS*	*1,925 lbs/day	TSS	2,816 mg/L
Arsenic**	0.092 mg/L**	Arsenic	0.094 mg/L
Cadmium	0.024 mg/L	Cadmium	0.0132 mg/L
Chromium	1.90 mg/L	Chromium	2.35 mg/L
Copper	1.88 mg/L	Copper	0.69 mg/L
Cyanide	0.13 mg/L	Cyanide	0.52 mg/L
Hydrocarbon (NPM)	100 mg/L	Hydrocarbon (NPM)	Not Applicable
Lead	0.60 mg/L	Lead	0.33 mg/L
Mercury	0.014 mg/L	Mercury	0.0037 mg/L
Nickel***	0.76 mg/L***	Nickel	0.20 mg/L
Silver	0.42 mg/L	Silver	0.14 mg/L
Total Oil & Grease	500 mg/L	Total Oil & Grease	100 mg/L
Zinc	2.57 mg/L	Zinc	1.41 mg/L

pH must be greater than 5.0 Standard Units (S.U.) and have a caustic alkalinity less than 1000 mg/l. Any pH result of over 10.3 S.U. must be accompanied by a result for caustic (hydroxide) alkalinity from the same sample. pH above 12.5 is prohibited and is considered hazardous waste.

*** Industrial users permitted in the Industrial Pretreatment Program and discharging effluent which exceeds a de minimis level of Biochemical Oxygen Demand (BOD) and/or Total Suspended Solids (TSS) are individually allocated a pounds per day limit for these parameters. The de minimis levels are 250 mg/L and/or 2,275 lbs/day for BOD and 300 mg/L and/or 1,925 lbs/day for TSS for Portland; and 250 mg/L and/or 375 lbs/day for BOD and 300 mg/L and/or 425 lbs/day for TSS for the Westbrook Intermunicipal Area. The Control Authority reserves the right to permit users based on their potential to discharge high strength BOD/TSS waste. Industrial Users permitted for BOD and TSS must report a certified discharge flow number with each monitoring event.**

*** Industrial users permitted in the Industrial Pretreatment Program may be individually allocated a pounds per day limit for Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS).**

**** A two tiered Arsenic limit as follows: Seafood Processors = 0.22 mg/L, All Others = 0.092 mg/L.**

***** 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**:

- result in an increase of the Maximum Allowable Industrial Headworks Loading
- result in a non-permitted discharge from the POTW
- adversely affect the treatment of wastewater
- adversely impact the sanitary sewer system
- 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.

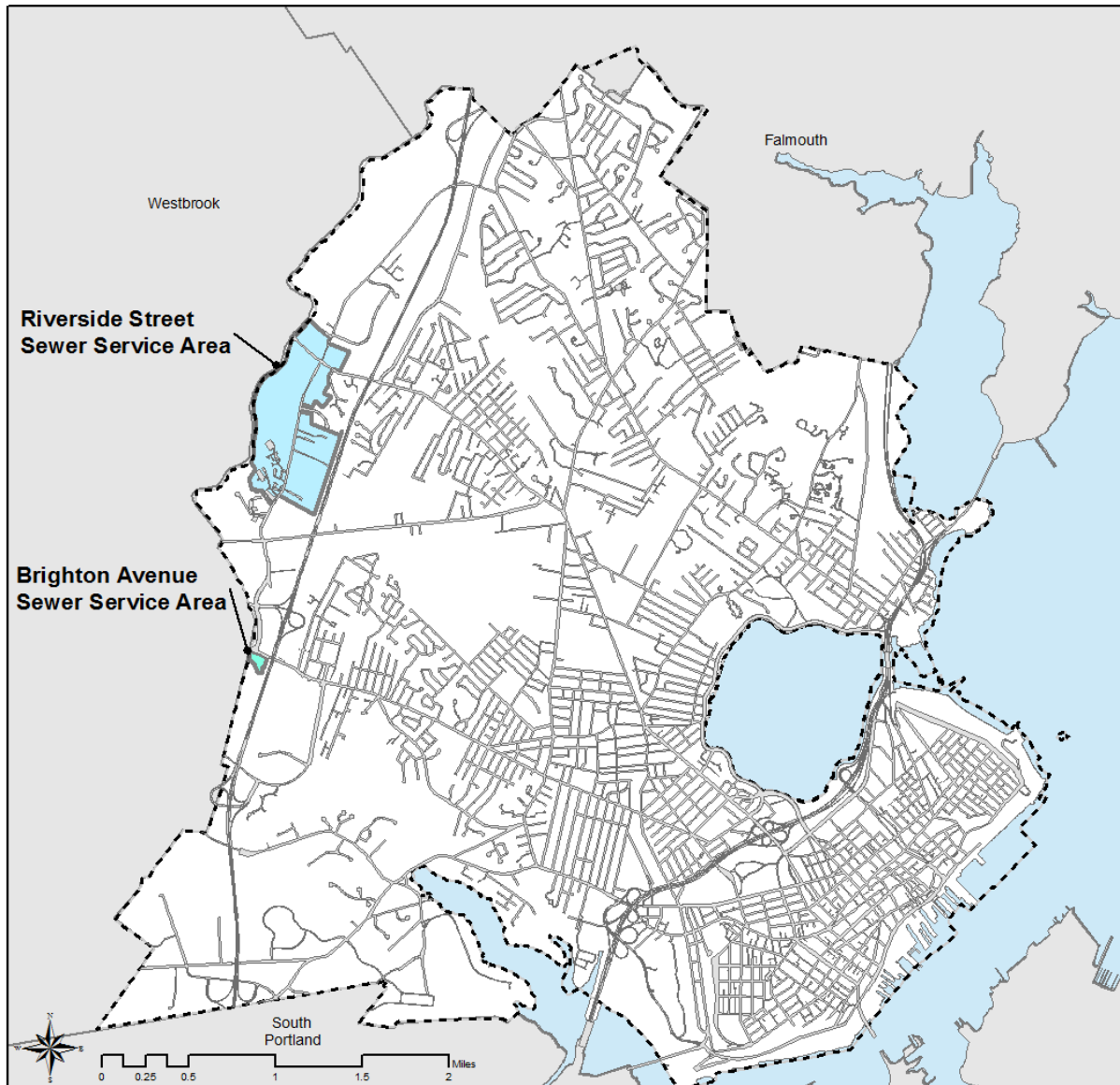
A variance may be revoked at any time at the discretion of the Control Authority (Portland Water District)

As stated in Section 4.2(a), sampling and analysis will be undertaken in accordance with 40 CFR Part 136.

Below is a partial list of accepted methods according to 40 CFR Part 136. For a complete list, consult Table IA and IB in 40 CFR 136.3

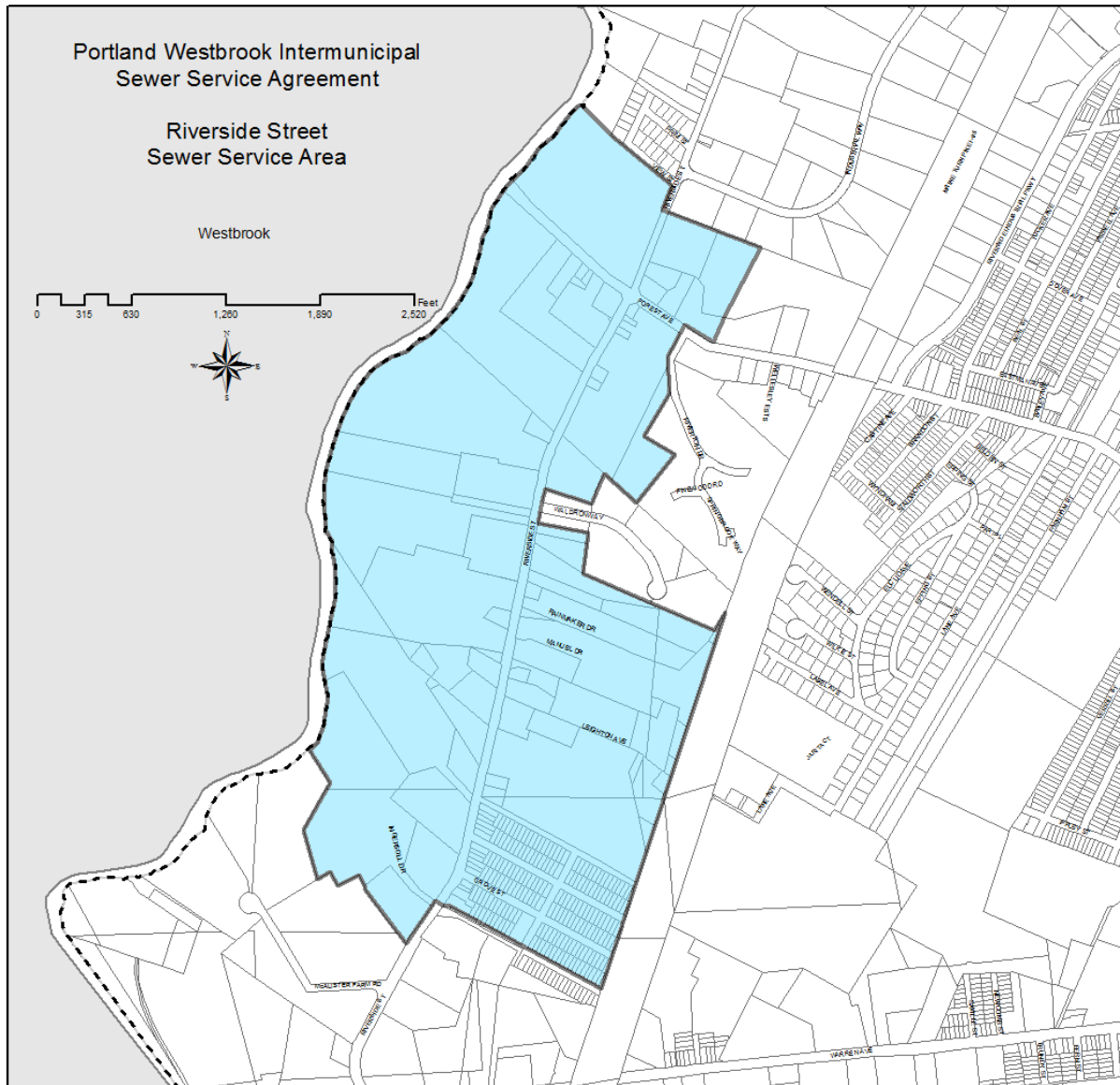
Parameter	Method
BOD	Standard Method: 5210-B
TSS	Standard Method: 2540 D
Arsenic	EPA: 206.5, 200.9, 200.5, 200.7 Standard Method: 3114 B, 3111 C, 3113 B, 3120 B, 3125 B
Cadmium	EPA: 200.9, 200.5, 200.7, 200.8 Standard Method: 3111 B, 3114 C, 3113 B, 3120 B, 3125 B
Chromium	EPA: 200.9, 200.5, 200.7, 200.8 Standard Method: 3111 B, 3114 C, 3113 B, 3120 B, 3125 B
Copper	EPA: 200.9, 200.5, 200.7, 200.8 Standard Method: 3111 B, 3114 C, 3113 B, 3120 B, 3125 B
Cyanide	EPA: 335.4 Standard Method: 4500-CN B 4500-CN C 4500-CN D 4500-CN E 4500-CN F
Hydrocarbon (NPM)	EPA: 1664 A HEM Standard Method: 5520 B, 5520 F
Lead	EPA: 200.9, 200.5, 200.7, 200.8 Standard Method: 3111 B, 3111 C, 3113 B, 3120 B, 3125 B, 3500-Pb B
Mercury	EPA: 200.9, 200.5, 200.7, 200.8 Standard Method: 3112 B
Nickel	EPA: 200.9, 200.5, 200.7, 200.8 Standard Method: 3111 B, 3111 C, 3113 B, 3120 B, 3125 B
Silver	EPA: 200.9, 200.5, 200.7, 200.8 Standard Method: 3111 B, 3111 C, 3113 B, 3120 B, 3125 B
Total Oil & Grease	EPA: 1664 A SGT-HEM Standard Method: 5520 B, 5520 F
Zinc	EPA: 289.2, 200.5, 200.7, 200.8 Standard Method: 3111 B, 3111 C, 3113 B, 3120 B, 3125 B

9. Exhibit A Locus Map of Portland-Westbrook Intermunicipal Sewer Service Areas



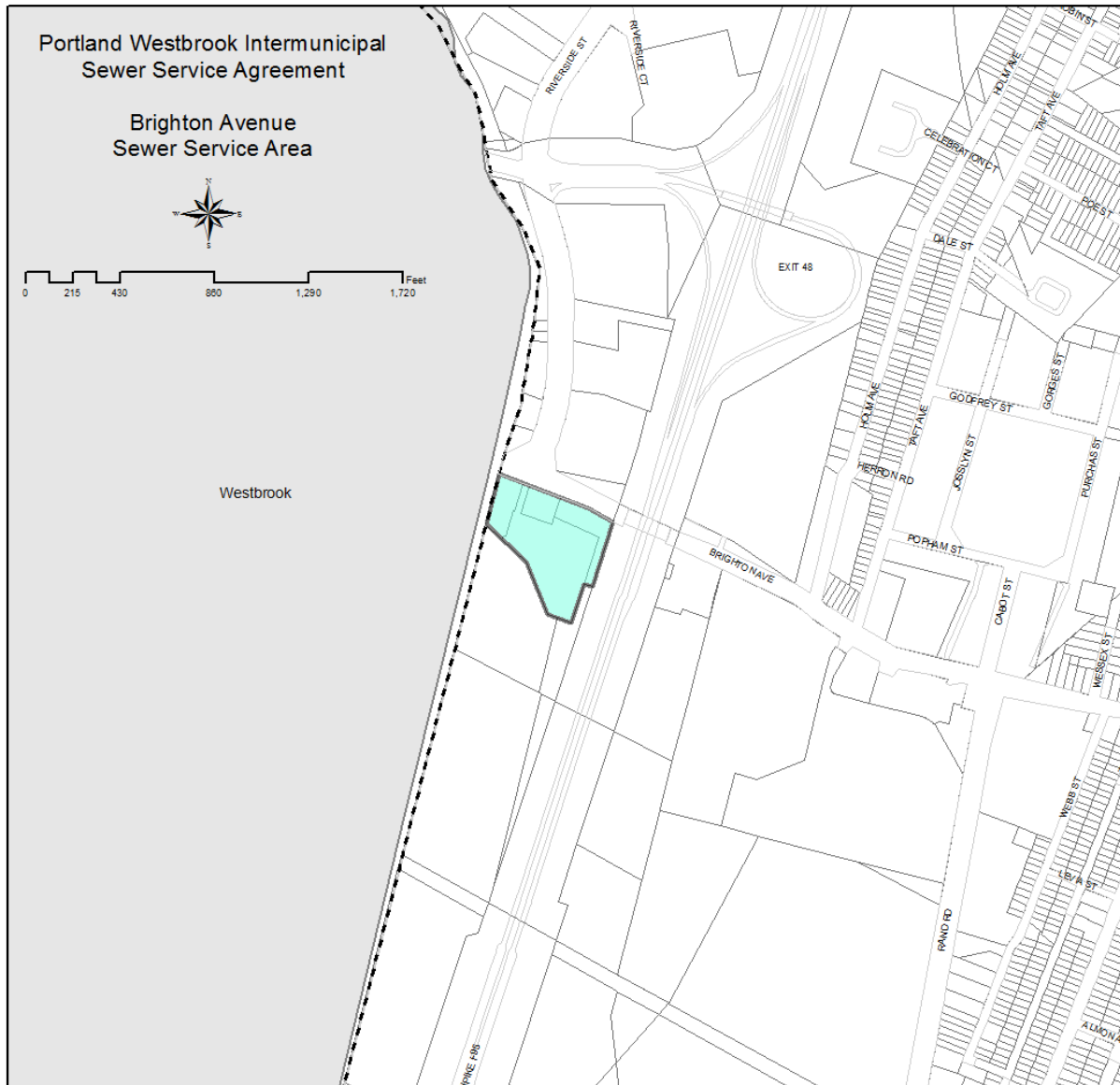
Map Prepared by the City of Portland's Department of Public Works February 2016

10. Exhibit B Map of Portland-Westbrook Intermunicipal Sewer Service Area



Map Prepared by the City of Portland's Department of Public Works July 2016

11. Exhibit C Map of Portland-Westbrook Intermunicipal Sewer Service Area



Map Prepared by the City of Portland's Department of Public Works July 2016

**CITY OF PORTLAND, MAINE
DEPARTMENT OF PUBLIC WORKS
WATER RESOURCES DIVISION
COMMUNICATION**

TO: Honorable Mayor Ethan Strimling and City Councilors

FROM: Benjamin Pearson, P.E., Compliance Coordinator

CC: Christopher Branch, P.E., Director of Public Works
Nancy Gallinaro, Water Resources Division Manager

DATE: November 6th, 2018

SUBJECT: Revision of Schedule A of the Rules and Regulations for Use of the Sewer System

This summary is intended to provide information regarding updates to Schedule A of the Rules and Regulations for Use of the Sewer System. Discharge limits for Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS) are being updated to reflect an order approved by the City of Westbrook as required by their Maine Department of Environmental Protection MEPDES permit. Two areas within Portland utilize the sewer system in Westbrook and are under the Intermunicipal Agreement. Since the Intermunicipal Agreement area sewer users must meet the City of Westbrook effluent limits, the City of Portland Schedule A must be updated as well. Schedule A updates are shown in red in the table below.

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

PORTLAND POTW LIMITS		INTERMUNICIPAL AGREEMENT LIMITS	
Parameter	Discharge Limits Daily Maximum	Parameter	Discharge Limits Daily Maximum
BOD*	*2,275-lbs/day	BOD	*1,371 mg/L
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Total Oil & Grease	500 mg/L	Total Oil & Grease	100 mg/L
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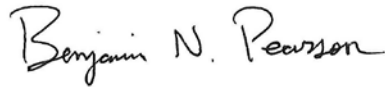
*** Industrial users permitted in the Industrial Pretreatment Program may be individually allocated a pounds per day limit for Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS).**
*** Industrial users permitted in the Industrial Pretreatment Program and discharging effluent which exceeds a de minimis level of Biochemical Oxygen Demand (BOD) and/or Total Suspended Solids (TSS) are individually allocated a pounds per day limit for these parameters. The de minimis levels are 250 mg/L and/or 2,275 lbs/day for BOD and 300 mg/L and/or 1,925 lbs/day for TSS for Portland; and 250 mg/L and/or 375 lbs/day for BOD and 300 mg/L and/or 425 lbs/day for TSS for the Westbrook Intermunicipal Area. The Control Authority reserves the right to permit users based on their potential to discharge high strength BOD/TSS waste. Industrial Users permitted for BOD and TSS must report a certified discharge flow number with each monitoring event.**
**** A two tiered Arsenic limit as follows: Seafood Processors = 0.22 mg/L, All Others = 0.092 mg/L.**
***** Metal Finisher required to meet Categorical Maximum 30 day Average Nickel Discharge Limit of 2.38 mg/L.**

All other language and limits in the Rules and Regulations for Use of the Sewer System and Schedule A will remain the same. This communication and revision is meant to reflect and standardize language found in the City of Westbrook, City of Portland, and Portland Water Districts Rules and Regulations.

A public hearing will be held on November 19th at 2:30 p.m. in room 209 at City Hall. Public notice of the hearing will be published in the Portland Press Herald on November 9th and 12th. This communication will be updated prior to the City Council meeting if any changes are necessary stemming from the public hearing process.

Should you have any questions, I can be reached at 207-874-8843 or bnp@portlandmaine.gov.

Thank you,



Benjamin Pearson, PE
Compliance Coordinator
Water Resources, Public Works

MEMORANDUM
City Council Agenda Item

FROM:

DATE: November 16, 2018

SUBJECT: Resolution 5-18/19 Honoring the 250th Anniversary of the Portland Fire Department - Co-Sponsored by Councilor Jill C. Duson, Councilor Spencer Thibodeau, Councilor Pious Ali, Councilor Belinda Ray, Councilor Kimberly Cook, Councilor Brian Batson, Councilor Nicholas M. Mavodones, Jr. and Mayor Ethan Strimling.

SPONSOR:

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 12/03/2018

Final Action 12/03/2018

Can action be taken at a later date: No

PRESENTATION:

I. ONE SENTENCE SUMMARY

II. AGENDA DESCRIPTION

The Portland Fire Department was founded in 1768, two hundred and fifty years ago, when the "fire wards" used a wooden rattle to alert residents to danger. The first organized fire company was formed in 1787 and called Neptune. Steam engines, then motorized fire engines, transformed the work of fighting fires into the present age.

With this Resolution, the Portland City Council expresses its deep appreciation for the heroic work protecting Portland people and its buildings done by the City firefighters during all of the last 250 years.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Resolution Honoring 250th Anniversary Portland Fire Department 12.3.2018

Prepared by: Sonia Bean, Senior Administrative Assistant

Date: 11/16/2018

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**RESOLUTION HONORING THE 250TH ANNIVERSARY OF THE
PORTLAND FIRE DEPARTMENT**

WHEREAS, the Portland Fire Department was founded on March 29, 1768 with five fire wards appointed for fire protection at Falmouth Neck who walked the streets at dusk, had policing authority, used a wooden rattle to alert citizens, and directed bucket brigades; and

WHEREAS, in 1787, Portland's first organized Fire Company named the "Neptune" was formed, and Fire Company names such as "Vigilant", "Cataract", "Portland", "Extinguisher", and "Alert" followed, all part of the rich history of the Portland Fire Department; and

WHEREAS, in 2018 these same fire companies are known as "Bramhall", "Rosemont", "Riverton", "Munjoy Hill", "Central", "Ocean Avenue", "Allen Avenue", "Air Rescue", "Marine Division", "Peaks Island", "Great Diamond", "Cliff Island", "Little Diamond", and "Cushing Island"; and

WHEREAS, the Portland Fire Department has provided continuous service and protection of life and property to Portland inhabitants for the last two and a half centuries; and

WHEREAS, the Portland Fire Department's motto is "*Answering the Bell, Since 1768*"; and

WHEREAS, 2018 marks the 250th anniversary of the founding of the Portland Fire Department;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Portland City Council recognize the Portland Fire Department on the 250th anniversary of its service to the City of Portland; and

BE IT FURTHER RESOLVED, that the Mayor and Portland City Council speak on behalf of all inhabitants of the City of Portland in extending their gratitude to the Portland Fire Department for its dedicated, unfailing, and heroic service.

Signed this Third Day of December, Two Thousand Eighteen

Belinda S. Ray, District One

Spencer R. Thibodeau, District Two

Brian E. Batson, District Three

Justin Costa, District Four

Kimberly Cook, District Five

Pious Ali, At Large

Jill C. Duson, At Large

Nicholas M. Mavodones, Jr., At Large

Ethan K. Strimling, Mayor

MEMORANDUM
City Council Agenda Item

FROM:

DATE: November 27, 2018

SUBJECT: Resolution 6-18/19 Opposing the Department of Homeland Security Rule Change Re: "Public Charge" - Co-Sponsored by Councilor Pious Ali, Councilor Justin Costa, Councilor Brian Batson, Councilor Jill C. Duson, Councilor Kimberly Cook, Councilor Belinda Ray, Councilor Spencer Thibodeau, Councilor Nicholas M.Mavodones, Jr., and Mayor Ethan K. Strimling,

SPONSOR:

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

I. ONE SENTENCE SUMMARY

II. AGENDA DESCRIPTION

With this resolution, the Portland City Council is asked to voice its opposition to a rule change being considered by the United States Department of Homeland Security ("DHS"). This rule change would add several now not included government programs to what defines an immigrant as a "public charge" and therefore inadmissible to the United States. It would affect not only applicants for visas outside of the country but also visa holders and applicants for green cards and for citizenship who are now living inside the United States.

In order for this Resolution to be submitted as comment opposing the DHS rule change prior to the December 10, 2018 deadline, it is requested that it be approved as an emergency. Seven affirmative votes are required for passage as an emergency, following public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Resolution Opposing Rule Change re Public Charge 12.3.2018

Prepared by: Sonia Bean, Senior Administrative Assistant

Date: 11/27/2018

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**RESOLUTION OPPOSING THE DEPARTMENT OF HOMELAND SECURITY
RULE CHANGE RE: “PUBLIC CHARGE”**

WHEREAS, the United States Department of Homeland Security (“DHS”) has proposed a revision to the rule called Inadmissibility on Public Charge Grounds, which proposes to change a formula the government uses to define the likelihood that an immigrant would be reliant on the government for his or her livelihood; and

WHEREAS, currently the immigration system considers only cash assistance such as Temporary Assistance for Needy Families (TANF) or Social Security Income (SSI), and government-funded long-term institutional care at the government’s expense in order to determine who is likely to become a “public charge”; and

WHEREAS, this proposed rule would upend the long-standing practice of helping immigrant families as they seek to thrive in the United States by expanding the list of assistance programs that determine who is a “Public Charge” to include certain health care, nutrition and housing programs; and

WHEREAS, this proposed rule change would adversely impact the health of communities by discouraging immigrants who are legally eligible for health care, nutrition and housing programs to apply for them, in fear of being denied admission, having their visas canceled, or other consequences adverse to resettlement; and

WHEREAS, the change would allow DHS to deny certain green cards and temporary visas to those moving through the process of becoming legal permanent residents, and, potentially, citizens, and could impact up to 500,000 immigrants who are already in the United States on temporary visas and who have children born here; and

WHEREAS, this rule change would drastically change our immigration system by awarding extra weight to the category of high income with its simple qualification of having a household income 250% above of the federal poverty line, and it would adversely impact those who earn less than 125% of federal poverty line; and

WHEREAS, the City Council believes that all of our residents and their families have the right to thrive, including our immigrant neighbors;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Portland City Council opposes this proposed rule change by DHS; and

BE IT FURTHER RESOLVED, that this resolution shall be approved as an emergency and effective immediately, in order to be submitted in opposition to this DHS Rule Change by the deadline of December 10, 2018.