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# AGENDA

## ASTORIA CITY COUNCIL

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Thursday, November 19, 2020  
1:00 PM  
2nd Floor Council Chambers  
1095 Duane Street, Astoria OR

### REGULAR COUNCIL MEETING

Public meetings will be conducted in the Council Chambers with a limited seating arrangement. To adhere to the social distancing recommendation, meetings may now also be audio and video live-streamed. Go to [https://www.astoria.or.us/LIVE\\_STREAM.aspx](https://www.astoria.or.us/LIVE_STREAM.aspx) for connection instructions.

1. CALL TO ORDER
2. ROLL CALL
3. CHANGES TO AGENDA
4. REGULAR AGENDA ITEMS

All agenda items are open for public comment following deliberation by the City Council. Rather than asking for public comment after each agenda item, the Mayor asks that audience members raise their hands if they want to speak to the item and they will be recognized. In order to respect everyone's time, comments will be limited to 3 minutes.

- 4.a [Authorize Industrial Discharge Permit for Fort George Brewery 70 W. Marine Drive and an updated Resolution for Sewer Service](#)

The influent loads to the City's Wastewater Treatment Plant (WWTP) have increased dramatically over the past 6-8 years. This increase in influent organic loading measured as biochemical oxygen demand (BOD5) has been due to increases in wastewater concentration associated with industrial discharges. City staff has identified that industrial influent loads are now greater than 5% of the WWTP influent loads, which is a criteria that triggers the need for an Industrial Pretreatment Program. The basic purpose of a pretreatment program is to prevent interference to the wastewater treatment process and to prevent pass through of contaminants into the treated effluent. Ultimately, the City must comply with the discharge requirements of our National Pollution Discharge Elimination System (NPDES) permit that is administered by the Oregon Department of Environmental Quality (DEQ) for the Environmental Protection Agency (EPA).

Since the new Fort George Brewery location at 70 W. Marine Drive has strict deadlines for beginning operation, their Industrial Discharge Permit is the first to

be considered for approval. Due to the nature of their industrial discharge and their expansion plans, Council supported Staff's recommendation to develop individual Industrial Discharge Permits for this business ahead of full development of the Industrial Pretreatment Program.

It is recommended that Council authorize Public Works Director Jeff Harrington to execute the Industrial Pretreatment Permit No. 001-2020 for the Fort George Brewery facility located at 70 W. Marine Drive. It is also recommended that Council authorize the new Resolution Establishing Rules, Regulations, Rate Charges and Conditions for Sewer Service.

4.b [Liquor License Application from Cervasia Gratis, Inc. doing business as Fort George Brewery & Public House, located at 70 W. Marine Dr, Astoria for a Brewery 1st Location sales license.](#)

A liquor license application has been filed by Cervasia Gratis, Inc. doing business as Fort George Brewery & Public House. This application for a Brewery 1st Location sales license.. A copy of the application is provided. The appropriate Departments have reviewed the application and the Astoria Police Department has prepared a memorandum for Council's review. No objections to approval were noted. It is recommended that City Council consider the liquor license application from Cervasia Gratis, Inc. doing business as Fort George Brewery & Public House, located at 70 W. Marine Dr, Astoria for a Brewery 1st Location sales license.

**5. NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS (NON-AGENDA)**

**THIS MEETING IS ACCESSIBLE TO THE DISABLED. AN INTERPRETER FOR THE HEARING IMPAIRED MAY BE REQUESTED UNDER THE TERMS OF ORS 192.630 BY CONTACTING THE CITY MANAGER'S OFFICE, 503-325-5824.**



**DATE:** NOVEMBER 19, 2020

**TO:** MAYOR AND ASTORIA CITY COUNCIL

**FROM:** BRETT ESTES, CITY MANAGER

**SUBJECT:** AUTHORIZE INDUSTRIAL DISCHARGE PERMIT FOR FORT GEORGE BREWERY 70 W. MARINE DRIVE AND AN UPDATED RESOLUTION FOR SEWER SERVICE

**DISCUSSION / ANALYSIS:**

The influent loads to the City's Wastewater Treatment Plant (WWTP) have increased dramatically over the past 6-8 years. This increase in influent organic loading measured as biochemical oxygen demand (BOD5) has been due to increases in wastewater concentration associated with industrial discharges. City staff has identified that industrial influent loads are now greater than 5% of the WWTP influent loads, which is a criteria that triggers the need for an Industrial Pretreatment Program. The basic purpose of a pretreatment program is to prevent interference to the wastewater treatment process and to prevent pass through of contaminants into the treated effluent. Ultimately, the City must comply with the discharge requirements of our National Pollution Discharge Elimination System (NPDES) permit that is administered by the Oregon Department of Environmental Quality (DEQ) for the Environmental Protection Agency (EPA).

Council Work Sessions were held on August 31st and October 26th to cover preliminary information about industrial discharges and strategies for implementing individual permits and an Industrial Pretreatment Program. It is anticipated that there will need be at least another Council work session and multiple Council meeting actions to work through the complex issues to develop a successful Industrial Pretreatment Program customized for the unique characteristics of the City's infrastructure. On October 5th, Council authorized a contract with Richwine Environmental, Inc. to provide engineering support services to develop an Industrial Pretreatment Program, prepare individual permits, and provide continued technical guidance for the various decisions throughout the program development.

As discussed during the Council work sessions, the Fermentation Beverage Cluster businesses are the only known industrial dischargers to the City of Astoria sewer system at this time. There are seven businesses that have been identified in the category of Fermentation Beverage Cluster, with at least one operating from multiple locations. Fort George Brewery and Buoy Beer are the two largest Fermentation Beverage Cluster businesses; therefore, the largest industrial dischargers. Due to the nature of their industrial discharge and their expansion plans, Council supported Staff's recommendation to develop individual Industrial Discharge Permits for these two businesses ahead of full development of the Industrial Pretreatment Program. Since the new Fort George Brewery location at 70 W.

Marine Drive has strict deadlines for beginning operation, their Industrial Discharge Permit is the first to be considered for approval.

In addition to wastewater discharge limits, the attached permit describes requirements for sampling, monitoring, and reporting. Issuance of this Industrial Discharge Permit for Fort George Brewery located at 70 W. Marine Drive will replace the Condition of Approval, Item 10 from the Public Works Department letter dated May 21, 2020 regarding discharge limits. A section has been reserved in the permit for excess load charges, but no values are designated as these charges will be determined at a future date after a financial feasibility study is completed. Council will be presented with a rate structure prior to implementation.

The Industrial Discharge Permit has been reviewed by City Attorney Blair Henningsgaard and by the Department of Environmental Quality.

In order to support issuance of Industrial Discharge Permits, the City's sewer resolution needs to be updated to include the following statement: "All non-domestic users of the City sewer system shall comply with industrial pretreatment standards of 40 CFR Chapter 1 Part 403." City Attorney Blair Henningsgaard supports the addition of this language. Staff anticipates there will be more significant changes to the Sewer Resolution recommended to Council with future implementation of a formal Industrial Pretreatment Program.

**RECOMMENDATION:**

It is recommended that Council authorize Public Works Director Jeff Harrington to execute the Industrial Pretreatment Permit No. 001-2020 for the Fort George Brewery facility located at 70 W. Marine Drive. It is also recommended that Council adopt the proposed Sewer Resolution.

**BY: CINDY MOORE**

**ATTACHMENTS:**

[Fort George - Permit 001-2020 FINAL.pdf](#)  
[2020 Sewer Resolution.pdf](#)

PERMIT COVER PAGE

Permit No. 001-2020

INDUSTRIAL DISCHARGE PERMIT

In accordance with the provisions of City Resolution 19-16, (Herein referred to as City Sewer Resolution),

Fort George Brewery  
70 W. Marine Drive  
Astoria, OR 97103

is hereby authorized to discharge industrial wastewater from the above-identified facility location and through the outfalls identified herein into the City of Astoria sewer system in accordance with the conditions set forth in this permit. Compliance with this permit does not relieve the permittee of its obligation to comply with any or all applicable pretreatment regulations, standards, or requirements under local, state, and federal laws, including any such regulations, standards, requirements, or laws that might become effective during the term of this permit.

Noncompliance with any term or condition of this permit will constitute a violation of the City Sewer Resolution.

This permit will become effective December 1, 2020 and will expire at midnight June 30, 2025. This permit will be opened prior to June 30, 2025 to incorporate appropriate changes including excess charges as determined in the Wastewater Financial Feasibility Study. This permit may be renewed annually until June 30, 2025.

If the permittee wishes to continue to discharge after the expiration date of this permit, an application must be filed for a renewal permit in accordance with the requirements of City Sewer Ordinance, a minimum of 90-days before the expiration date.

By: \_\_\_\_\_  
Jeff Harrington, Public Works Director

Signed this \_\_\_\_\_ day of November, 2020

**INDUSTRIAL DISCHARGE PERMIT**

**1. PERMIT ORGANIZATION**

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**2. REGULATORY AUTHORITY**

In accordance with the provisions of the City Sewer Resolution authorized by the City of Astoria Municipal Code or as amended, Fort George Brewery (Herein known as Permittee), Address: 70 W. Marine Dr., Astoria, OR 97103, is hereby authorized to discharge wastewater from the above identified facility, and through the discharge points identified herein, and into the City of Astoria public sanitary sewer system in accordance with the conditions set forth in this permit.

Compliance with this permit does not relieve the Permittee of its obligation to comply with any or all applicable pretreatment regulations, standards or requirements under local, State, and Federal laws, including any such regulations, standards, requirements, or laws that may become effective during the term of this permit. Noncompliance with any term or condition of this permit, or any compliance schedule, shall constitute a violation of Chapter 3.040 and 3.105 – 3.119 of the City of Astoria Municipal Code. Discharges not identified in the Application may be cause for enforcement.

The City may modify the terms of the permit to meet the City’s NPDES Permit discharge requirements, if substantial changes of the permittee’s operations or wastewater occur, if applicable federal Pretreatment Standards are amended, or if the City’s Public Works Director determines that there is

other good cause. To the extent otherwise permissible by law, changes or new conditions in the permit must include a reasonable schedule for compliance.

### 3. BACKGROUND

The City of Astoria (City) owns and operates a collection system and wastewater treatment plant (WWTP) that serves the residents of the City. The WWTP is a lagoon treatment system that is permitted by the Oregon Department of Environmental Quality (DEQ) to discharge into the Lower Columbia River through a National Discharge Elimination System (NPDES) permit number 102397. The collection system is classified as a combined sewer system resulting in flows ranging from 1.0-mgd to 20-mgd depending on area rainfall. The NPDES permit limits the discharge of BOD, TSS, chlorine residual, fecal coliform bacteria and enterococci bacteria. Discharge pH must be within the range of 6.2 and 8.5. The effluent temperature is limited to a maximum of 77.0°F.

Fort George Brewery began production and discharging to the City's sewerage system in 2007. It has seen substantial growth in production since that time resulting in increased discharges to the City's sewerage system. This increased discharge, combined with the increased discharges from other sources, has resulted in the influent design loads to the WWTP being exceeded. Fort George Brewery has requested expansion to a new facility located at 70 W. Marine Drive. This facility will be the main brewing facility and the largest of three brewing facilities operated by Fort George Brewery.

### 4. TERM OF PERMIT

- A. This permit is effective on December 1, 2020 and will expire on June 30, 2025.
- B. During the effective period of the permit the permittee is authorized to discharge process wastewater to the City of Astoria's sewer system.
- C. Permittee is required to re-apply for renewal of the Industrial Discharge Permit at least 90 days prior to the expiration date.
- D. *This permit is issued to meet the requirements for construction and initial discharge of process wastewater to the City of Astoria's sewer system. It is acknowledged that the permit will be updated prior to June 30, 2021 following experience gained in operation of the permittee's facility during the interim operation period of December 1, 2020 – June 1, 2021, the completion of the Wastewater Pretreatment Program Financial Feasibility Analysis and Adoption of an updated Sewer Use Ordinance including a rate structure.*
- E. INDUSTRIAL WASTEWATER DISCHARGE APPLICATION  
At least 90 days prior to commencement of discharge, new sources, including existing users which have changed operations or processes so as to become new sources shall be required to submit a Baseline Monitoring Report (Industrial Wastewater Discharge Permit Application) per the requirements in 40 CFR Part 403.12(b). The City may also request new Applications if facility changes are of a magnitude that warrant additional or updated information on the processes, ownership, or use.

### 5. SAMPLING POINTS

- A. The permittee is required to monitor the discharge of process wastewater system from the sampling points listed in **Table 1**.

Table 1  
Sampling Points

Sampling Point	Description	Sample Type
Sample Point 001	Composite Sampler Collection Point	Composite <sup>1</sup>
Sample Point 002	Monitoring pH Electrode	Continuous
Sample Point 003	Effluent Flow Meter	Continuous

<sup>1</sup> A flow based composite sample is preferred. If a time based composite sample is taken, then the sample must be taken at a time duration no longer than once every 15-minutes when flow is being discharged.

## 6. EFFLUENT LIMITATIONS

### A. EFFLUENT LIMITS

Discharge from the sampling points listed in **Table 1** shall not exceed the following effluent limitations. Effluent limitations consist of the most stringent of all effluent limitations listed below as well as all applicable general, specific, categorical, and/or local limitations.

#### 1. Interim Compliance Limitations

Interim limits for the period of discharge from December 31, 2020 to May 31, 2021 provide for operation and testing of the new pretreatment facility. These interim limits are summarized in **Table 2a**.

Table 2a  
Interim Effluent Limitations

Parameter	Units	Sampling point	Daily Max <sup>2</sup>	Monthly Average
BOD <sub>5</sub>	mg/L	Sampling point 001	5500	5000
BOD <sub>5</sub>	lbs./day	Sampling point 001	550	500
COD	mg/L	Sampling point 001	11,000 <sup>1</sup>	10,000 <sup>1</sup>
COD	lbs./day	Sampling point 001	1,100 <sup>1</sup>	1,000 <sup>1</sup>
TS <sup>3</sup>	mg/L	Sampling point 001	540	450
pH	Units	Sampling point 002	6.2 - 8.5	6.2 – 8.5
Flow	gpd gpm	Sampling point 003	TBD TBD	TBD -

<sup>1</sup> COD limit based on COD/BOD ratio of 0.5. To be confirmed by testing.  
<sup>2</sup> Daily maximum is based on 120% of monthly average value  
<sup>3</sup> TS will be used in lieu of TSS. TSS limit is based on sewer use ordinance. Not based on headworks allocation.



## 2. Compliance Limitations

Permit compliance limits for the period of discharge from June 1, 2021 to June 30, 2021 are summarized in **Table 2b**. It is anticipated that Table 2b effluent limits will remain in effect through June 30, 2025, subject to change according to the conditions of this permit.

**Table 2b**  
**Effluent Limitations**

Parameter	Units	Sampling point	Daily Max <sup>2</sup>	Monthly Average
BOD <sub>5</sub>	mg/L	Sampling point 001	4200	3500
BOD <sub>5</sub>	lbs/day	Sampling point 001	410	373
COD	mg/L	Sampling point 001	8400 <sup>1</sup>	7000 <sup>1</sup>
COD	lbs/day	Sampling point 001	820 <sup>1</sup>	746 <sup>1</sup>
TS <sup>3</sup>	mg/L	Sampling point 001	360	300
pH	Units	Sampling point 002	-	6.2 – 8.5
Flow	gpd gpm	Sampling point 003	TBD TBD	TBD -

<sup>1</sup> COD limit based on COD/BOD ratio of 0.5. To be confirmed by testing.  
<sup>2</sup> Daily maximum is based on 120% of monthly average value  
<sup>3</sup> TS will be used in lieu of TSS. TSS limit is based on sewer use ordinance. Not based on headworks allocation.

## B. Dilution

No dilution waste streams combined with process wastewater before or at Sampling Point #1 is allowed.

## C. General Prohibitions

The Permittee shall not discharge, cause or permit to be discharged, directly or indirectly, any pollutant or wastewater, which will cause interference or pass through at the treatment plant. These general and specific prohibitions apply to all users of the City's wastewater system whether or not they are subject to Categorical Pretreatment Standards or any other national, state or local pretreatment standards or requirements.

## D. Categorical Standards

- Classification of Categorical/Sub-Categorical Standard that applies: NA
- Classification as New/Existing: NA

**7. BMP REQUIREMENTS**

The facility has implemented the following pollution prevention practices and best management practices.

- Side streaming
- Flow equalization

- c) pH monitoring and adjustment

The facility is to perform these pollution prevention practices to ensure the permit limits are maintained.

## 8. MONITORING AND REPORTING REQUIREMENTS

### A. SAMPLING AND EFFLUENT MONITORING

The permittee shall monitor and report the information from the sampling points specified in Table 1 for the following parameters, at the indicated frequency.

Table 3  
Sampling and Monitoring Requirements

Parameter	Units	Sampling point	Frequency <sup>1</sup>	Sample Type
COD	mg/L	Sampling point #1	Daily	Composite
BOD <sub>5</sub>	mg/L	Sampling point #1	Weekly	Composite
TS	mg/L	Sampling point #1	Daily	Composite
pH	Range	Sampling point #2	Continuous	pH meter Continuous
Flow	gpm	Sampling point #3	Continuous	Flow meter Continuous
Excess Load	lbs/month	-	Monthly	Calculation

<sup>1</sup> On days when no discharge is occurring, sampling is not required. A flow value of zero (0) shall be reported as the daily flow.

- All collection, preservation, handling, and laboratory analysis shall be performed in accordance with 40 CFR Part 136 and amendments thereto, unless specified otherwise in this permit. If a commercial laboratory performs sampling and/or analysis on behalf of the permittee, it is the permittee's responsibility to ensure that all sampling and analyses are performed in accordance with 40 CFR Part 136, or as otherwise specified.
- In the event compliance monitoring shows any constituent regulated under local limits not otherwise specified in this permit to be approaching the limit, additional sampling and testing will be required to assure continued compliance with 40 CFR Part 403.

### B. REPORTING AND NOTIFICATION REQUIREMENTS

Sampling and testing results are to be submitted to the City on a calendar month basis by the 15<sup>th</sup> of the following month. All reports required by this permit shall be submitted to the City of Astoria at the following address:

City of Astoria  
ATTN: Industrial Pretreatment  
1095 Duane Street  
Astoria OR 97103

or

Monthly reports can be submitted to the City electronically by email. Discharger shall coordinate with City to obtain the email address to submit reports.

1. Any Permittee subject to sampling, testing and reporting schedules set out in the permit shall submit Periodic Compliance Reports per 40 CFR Parts 403.12(e) and (h). The reports are due on the fifteenth (15th) day of the month following discharge and shall indicate the volume, nature and concentration of all pollutants in the effluent for which sampling and analyses were performed during the calendar month preceding the submission of each report. This includes the measured highest single daily value (Daily Maximum), and the 30-day average of total monthly flows (Monthly Average) flows and monitoring data as specified in **Table 3**. All reports shall be submitted to the City as requested.

2. Certification Statement

The permittee is required to sign and submit the following certification statement with each monthly monitoring report:

*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 ensure 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.*

3. The permittee is required to notify the City of Astoria immediately if the permittee's wastewater flow exceeds the following conditions:
  - a. 12,600 gallons per day as measured by a continuous effluent flow monitoring device
  - b. The permitted daily maximum in pounds per day of COD, BOD or TSS.
4. If the permittee monitors any pollutant more frequently than required by this permit, using test procedures prescribed in 40 CFR Part 136 or amendments thereto, or otherwise approved by the U.S. Environmental Protection Agency (EPA) or as specified in this permit, the results of such monitoring must be included in any calculations of actual daily maximum or monthly average pollutant discharge, and results must be reported in the monthly report submitted to the City of Astoria. Such an increased monitoring frequency must also be indicated in the monthly report.

### C. CALCULATIONS

Calculations for monitoring and reporting shall be done as follows.

#### 1. Pounds per Day

$$\text{Pounds per day (lbs./day)} = \text{mgd} * 8.34 * \text{mg/L}$$

where:

- mgd = daily flow
- mg/L = concentration of parameter measured

#### 2. Daily Maximum

The daily maximum is the maximum value measured over the calendar month period.

#### 3. Monthly Average

The monthly average is the average of daily values for the calendar month being reported.

#### 4. Excess BOD Load

Excess load is the total load in pounds in excess of 300-mg/L. This is calculated as follows:

$$\begin{aligned} \text{Excess Load (lbs./month)} = \\ \text{total monthly flow (mg)} * 8.34 * [(\text{monthly average COD concentration (mg/L)} * 0.5) - 300\text{-mg/L}] \end{aligned}$$

where:

- Total monthly flow = Sum of daily flows
- Monthly average COD concentration = average of daily COD test values for month
- Factor of 0.5 = conversion of COD test value to BOD

#### 5. Excess TSS Load

Excess load is the total load in pounds in excess of 300-mg/L. This is calculated as follows:

$$\begin{aligned} \text{Excess Load (lbs./month)} = \\ \text{total monthly flow (mg)} * 8.34 * [\text{monthly average TSS concentration (mg/L)} - 300\text{-mg/L}] \end{aligned}$$

where:

- Total monthly flow = Sum of daily flows
- Monthly average TSS concentration = average of daily TSS test values for month

## 9. EXCESS LOAD CHARGES

The permittee will be subject to excess load charges to be paid to the City of Astoria on a monthly basis based on the calculated BOD and TSS load discharged. Excess load charges shall be as shown in **Table 4**.

**Table 4  
Excess Load Charges**

<b>Excess Load Parameter</b>	<b>Excess Load Range</b>	<b>Charge/Excess Load (lbs.)</b>
Biochemical Oxygen Demand (BOD)	Up to Monthly Average Permit Limit	TBD
Biochemical Oxygen Demand (BOD)	Exceeds Monthly Average Permit Limit	TBD
Total Suspended Solids (TSS)	Up to Monthly Average Permit Limit	TBD
Total Suspended Solids (TSS)	Exceeds Monthly Average Permit Limit	TBD

### 10. ACCIDENTAL DISCHARGES, SLUG LOADS, OR SPILLS

- A. The permittee shall notify the City of Astoria immediately upon the occurrence of any accidental discharge of substances prohibited by City ordinances or any slug loads or spills that may enter the public sewer which has the potential to cause damage to the collection system, produce odors, disrupt the City of Astoria sewerage treatment process and/or endanger the health and safety of City employees. The notification shall include location of the discharge, date and time thereof, type of waste including concentration and volume, and corrective action taken to mitigate the issue in the future. The permittee's notification of accidental releases in accordance with this section does not relieve it of other reporting requirements that arise under local, state, or federal laws.

Wastewater Treatment Plant 503-325-2267, after hours 503-325-4411

- B. Within five days following an accidental discharge, the permittee shall submit to the City of Astoria a detailed written report. The report shall specify:
- Description of the cause of the upset, slug load, or accidental discharge; the cause thereof; and the impact on the permittee's compliance status. The description should also include location of the discharge, type, concentration, and volume of waste.
  - Duration of noncompliance, including exact dates and times of noncompliance and, if the noncompliance is continuing, the time by which compliance is reasonably expected to occur.
  - All steps taken or to be taken to reduce, eliminate, and/or prevent recurrence of such an upset, slug load, accidental discharge, or other conditions of noncompliance.
- C. Notice of Violation  
If the results of the permittee's wastewater analysis indicate that a violation of this permit has occurred, the permittee must inform the City of Astoria within 24 hours and repeat the sampling and pollutant analysis as soon as directed to do so by the City and submit, in writing, the results of this second analysis within 7 days of becoming aware of the violation.

### 11. NOTIFICATION OF CHANGED DISCHARGE

- A. The permittee shall immediately notify the City of any substantial change in the volume or character of pollutants in their discharge as soon as possible, including the listed or characteristic hazardous wastes for which the permittee has submitted initial notification under 40 CFR 403.12(p).

- B. The Permittee shall immediately report any significant changes (permanent or temporary) to the premises or operations that cause substantial changes in production, volume or character of the wastewater discharge (including slug loading), or deviates from the terms and conditions of this permit, per the requirements in 40 CFR Parts 403.12(j) and 403.6(c)(7). Unless emergency situations prevail, the City requires that changes be reported prior to being implemented. Permit violations may occur if notification requirements are not followed.
- C. The permittee shall give advance notice to the City of Astoria of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- D. The permittee shall give notice to the City of Astoria 90 days prior to any facility expansion, 15 days prior to any production increase, or process modifications which result in new or substantially increased discharges or a change in the nature of the discharge. In addition, permittees who have permit limitations calculated from a production-based standard shall notify the City within two (2) business days after the permittee has a reasonable basis to know that the production level will significantly change within the next calendar month. Any permittee not notifying the City of such an anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of long-term average production rate.
- E. The permittee shall submit an update on compliance schedule progress with each periodic monitoring report.
- F. Signatory Requirements and Certification Statement: The signed certification statement defined in 40 CFR Part 403.6(a)(2)(ii) shall accompany all reports and testing results submitted by any permittee. All reports submitted by Significant Industrial Users shall be signed per the signatory requirements in 40 CFR Part 403.12(l).
- G. Notification of Process or Equipment Malfunction or Reset
  1. The Permittee shall notify the City of Astoria within 24 hours of becoming aware of a flow meter malfunction. The Permittee shall notify The City of Astoria prior to reset, in the event the flow meter needs to be reset as a result of a malfunction.
  2. The Permittee shall notify the City of Astoria within 24 hours of becoming aware of a pH meter malfunction.
  3. The Permittee shall notify the City of Astoria of any upset or equipment malfunction within the pretreatment system.

## 12. RECORDKEEPING

- A. Permittee shall retain and preserve all records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or on behalf of the Permittee in connection with its discharge. Such records shall be subject to review by the City, and shall include for all samples:
  1. The date, exact place, time, and methods of sampling or measurements, and sampling preservation techniques;
  2. Who performed the sampling or measurements;
  3. The date(s) the analyses were performed;

4. Who performed the analyses;
  5. The analytical techniques or methods used; and
  6. The results of such analyses.
- B. Any records/logs related to plant operations, sampling and testing and BMP requirements.
1. The Permittee shall retain for a minimum of five years all such records defined above and shall make such records available for inspection and copying by the City, the DEQ Director and the EPA Regional Administrator. This period may be extended by the request of the City, the DEQ Director or the EPA at any time. All records that pertain to matters which are the subject of special orders or any other enforcement or litigation activities brought by the City shall be retained and preserved by the permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.
  2. For any information faxed or otherwise electronically transmitted to the City, the original shall be retained on the Permittee's premises for a minimum of five (5) years; or the original may be mailed to the City as a follow-up to the fax or electronic transmission. This section does not supersede the other requirements of this permit.

### **13. STATEMENT OF NON-TRANSFERABILITY**

- A. In no case shall this permit be transferred to another owner, partnership or corporation without prior written permission from the City. Permittees wishing to transfer a permit to a new owner must notify the City in writing at least 90 days in advance of any anticipated transfer. Written notification must include information by the new owner which certifies the new owner's intent not to change the facility's operations or processes; identifies the specific date on which the transfer is to occur; and acknowledges full responsibility for complying with the wastewater discharge permit.

### **14. APPLICABLE CIVIL AND CRIMINAL PENALTIES**

- A. Nothing in this permit shall be construed to relieve the permittee from its obligation to comply with any or all applicable pretreatment regulations, standards, or requirements under local, State, and Federal Laws, including any such regulations, standards, requirements, or laws that may become available during the term of this permit.
- B. Noncompliance with any term or condition of this permit, or any compliance schedule, shall be considered a separate violation and grounds for civil, criminal or administrative proceedings, including civil penalties of \$1,000 per day for each violation of this agreement, injunctive relief, and summary abatement.
- C. In addition to any other civil or criminal liability, if permittee violates any provision of the permit, or the Astoria Municipal Code, or causes damage to or otherwise inhibits the City of Astoria wastewater disposal system, permittee shall reimburse the City of Astoria for any expense, loss, or damage resulting in whole or in part as a result such event. The City of Astoria shall bill the permittee for any expense (which may include any cleaning, repair, or replacement work), loss, or damage incurred by the City resulting in whole or in part as a result of such event. Refusal to pay the assessed costs shall constitute a separate violation of this permit.

D. Falsifying Information or Tampering with Monitoring Equipment

Knowingly making any false statement on any report or other document required by this permit or knowingly rendering any monitoring device or method inaccurate may result in punishment under criminal laws of the City, as well as being subject to civil penalties and relief.

### 15. SPECIAL CONDITIONS

- A. Slug Control / Accidental Spill Prevention Plan – A plan describing how the Permittee intends to prevent discharge of hazardous materials and slug loads to the City of Astoria sewer system shall be submitted to the City as noted in the compliance schedule.
- B. O&M Manual- A DRAFT O&M manual describing the operation and maintenance of the engineered treatment system shall be submitted to the City by December 15, 2020. Following completion of startup and testing, a FINAL O&M manual shall be submitted to the City as noted in the compliance schedule.

### 16. COMPLIANCE SCHEDULE

To comply with the effluent limitations required in this permit, the permittee must provide necessary wastewater treatment facilities in accordance with the following schedule.

Event	By No Later Than
1. Permittee Submit Pretreatment Facility DRAFT Operations and Maintenance Manual	December 15, 2020
2. Permittee Submit Slug Control / Accidental Spill Prevention Plan	December 15, 2020
3. Pretreatment Facilities Startup	December 31, 2020
4. Meet Interim Permit Limits	January 1, 2021
5. Permittee Submit Pretreatment Facility FINAL Operations and Maintenance Manual	May 31, 2021
6. Meet Final Permit Limits	June 1, 2021
7. City Implement Excess Load Charges	July 1, 2021

No later than 14 days following each date in the above schedule, the permittee must submit to the City a progress report including, at a minimum whether it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with the increment of progress, the reasons for delay, and the step being taken to return the project to the schedule established in this permit.

### 17. STANDARD CONDITIONS

A. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, will not be affected thereby and will continue in full force and effect.



**B. Duty to Comply**

The permittee must comply with all conditions of this permit. Failure to comply with the requirements of this permit may be grounds for administrative action, or enforcement proceedings including civil or criminal penalties, injunctive relief, and summary abatements.

**C. Duty to Mitigate**

The permittee must take all reasonable steps to maintain or correct any adverse impact to the public treatment plant or the environment resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

**D. Compliance with Applicable Pretreatment Standards and Requirements**

Compliance with this permit does not relieve the permittee from its obligations regarding compliance with any and all applicable local, state and federal Pretreatment Standards and requirements including any such standards or requirements that might become effective during the term of this permit.

**E. Proper Operation and Maintenance**

The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes the following: effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

**F. Duty to Halt or Reduce Activity**

Upon reduction of efficiency of operation, or loss or failure of all or part of the treatment facility, the permittee must, to the extent necessary to maintain compliance with its permit, control its production or discharges (or both) until operation of the treatment facility is restored or an alternative method of treatment is provided. Such a requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced. It will not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with this permit.

**G. Permit Modification**

The City reserves the right to amend any Wastewater Discharge Permit issued hereunder for good cause including, but not limited to the following:

1. To incorporate any new or revised local, State or Federal pretreatment standards or requirements;
2. To address significant alterations or additions to the Permittee's operations, processes, wastewater discharge volume or characteristic not considered in drafting the original permit;
3. A change in any condition at the Permittee's facility or the Publicly Owned Treatment Works (POTW) requiring a temporary or permanent reduction or elimination of the authorized discharge;

4. Information indicating that the permitted discharge poses a threat to the POTW's collection or treatment systems, personnel or receiving waters;
5. Violation of any terms or conditions of the permit;
6. Misrepresentation or failure to disclose fully all relevant facts in the permit application or any required reporting;
7. Revision of, or a grant of variance from applicable categorical standards per 40 CFR Parts 403.13, 403.6(e) or 403.15;
8. To correct typographical or other errors in the permit;
9. To reflect transfer of the facility ownership and/or operation to a new owner/operator;
10. Upon request of the permitted Industrial User, provided the request does not violate any requirements, standards, laws, rules or regulations;

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changed or anticipated noncompliance, does not stay a permit condition.

#### H. Permit Termination

The permit may be terminated for the following reasons:

1. Failure to notify the Public Works Director of significant changes to the wastewater before the changed discharge;
2. Failure to provide prior notification to Public Works Director of changed conditions;
3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
4. Falsifying self-monitoring reports or certification statements;
5. Tampering with monitoring equipment;
6. Refusing to allow timely access to the facility premises and records;
7. Failure to meet effluent limitations;
8. Failure to pay fines;
9. Failure to pay sewer charges;
10. Failure to meet compliance schedules;
11. Failure to complete a wastewater survey or the wastewater discharge permit application;
12. Failure to provide advance notice of the transfer of business ownership of a permitted facility;  
or
13. Violation of any Pretreatment Standard or Requirement including required best management practices, or any terms of the wastewater discharge permit or sewer use ordinance.

#### I. Permit Appeals

The Permittee may petition the City of Astoria to reconsider the terms of a wastewater discharge permit, the denial or termination of a wastewater discharge permit, or any finem penalty or reimbursement charge, within thirty (30) days of its issuance or denial.

Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

A petition for review shall be in writing and served either in person or by certified mail to the City of Astoria. In its petition, the appealing party must specify the name and address of the person filing

the petition for review, the action, wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition or other relief, if any, it seeks.

The action or wastewater discharge permit provisions objected to will not be stayed pending the appeal. If the City of Astoria fails to act within 30 days, a request for reconsideration will be deemed to be denied. Decisions not to reconsider an action, failure to issue a permit, or not to modify a permit will be considered final administrative actions

J. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any violation of federal, state, or local laws or regulations.

K. Duty to Reapply

The permittee must apply for reissuance by submitting a complete permit application, in accordance with City Sewer Resolution, a minimum of 90 days before the expiration of the existing permit.

L. Limitation of Permit Transfer

Permits may be reassigned or transferred to a new owner or operator with prior approval of the Superintendent and the following items occur:

- A. The permittee must give at least 90-days advance notice to Public Works Director
- B. The notice to Public Works Director must include a written certification by the new owner or operator that does the following:
  - a. States that the new owner or operator has no immediate intent to change the facility's operations and processes;
  - b. Identifies the specific date on which the transfer is to occur; and
  - c. Acknowledges full responsibility for complying with the existing permit.
- C. The Public Works Director approves the permit transfer.

M. Continuation of Expired Permits

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

- a. The permittee has submitted a complete permit application at least 90- days prior to the expiration date of the 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 permittee.

N. Dilution

A permittee must not ever increase the use of potable or process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Public Works Director may impose mass limitations on permittees who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

O. Representative Sampling

Samples and measurements taken as required by this permit shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified

in this permit, and unless otherwise specified, before the permitted discharge joins or is diluted by any other waste streams, body of water or substance. Samples must also be taken in accordance with 40 CFR Part 136 methodology.

All equipment used for sampling and analyses must be routinely calibrated, inspected and maintained to ensure its accuracy. Monitoring points shall not be changed without notification to, and prior City approval.

If flow measurement is required by this permit, the appropriate flow measurement devices and methods consistent with approved scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10 percent from true discharge rates throughout the range of expected discharge volumes.

**P. Analytical Methods to Demonstrate Compliance**

All sampling and analysis required by this permit must be performed in accordance with the techniques prescribed in 40 CFR Part 136 and the amendments thereto, otherwise approved by the EPA, or as specified in this permit.

**Q. Inspection and Entry**

The City may inspect the facilities of any Permittee to determine compliance with the requirements of the City rules and regulations. The Permittee shall allow the City or its representatives to enter upon the premises of the Permittee at all reasonable hours without being unreasonably detained (not to exceed 15 minutes) and without prior notification by the City, for the purposes of inspection, sampling, and records examination and copying. The City shall have the right to set upon the Permittee's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Unusual clearance requirements for purposes of security may be considered unreasonable for purposes of this section.

**R. Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or correct any adverse impact to the public treatment plant or the environment resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

**S. Bypass and Upsets**

1. Bypass: The intentional diversion of one or more waste streams or processes from any portion of the Permittee's treatment facility is prohibited per the City Sewer Resolution.
2. Upsets: An "upset", and an affirmative defense for such, shall not be allowed under circumstances where non-compliance has been caused by operational error, improperly designed or inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation. In case of an upset or upon reduction, loss or failure of its treatment facility, the permittee shall control production and/or all discharges to the extent necessary to maintain compliance with applicable pretreatment standards until treatment is restored or an

alternative method of treatment is provided. This requirement also applies in situations where the primary source of power for the treatment facility is reduced, lost or fails.

3. Bypass is prohibited
  - a. Unless the bypass is unavoidable to prevent loss of life, personal injury, or severe property damage.
  - b. Unless there were no feasible alternatives, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance.
  - c. The permittee may allow bypass to occur if it does not cause effluent limitations to be exceeded but only if it is also for essential maintenance to assure efficient operation.
  - d. Notification of bypass
    - i. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it must submit prior written notice, at least 10 days before the date of the bypass, to the [name of Control Authority].
    - ii. Unanticipated bypass. The permittee must notify the [name of Control Authority] within 24 hours from the time it becomes aware of an unanticipated bypass and submit a written notice to the POTW within 5 days. This report must specify:
      - iii. A description of the bypass, and its cause, including its duration with exact dates and times;
      - iv. Whether the bypass has been corrected and if the bypass has not been corrected, the anticipated time it is expected to continue; and
      - v. The steps being taken or to be taken to reduce, eliminate, and prevent a reoccurrence of the bypass.

#### T. Hazardous Waste Notification

The Permittee shall notify the City, EPA Regional Waste Management Division Director, and Oregon DEQ Hazardous Waste Division in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261, in accordance with 40 CFR 403.12(p).

#### U. General Prohibitive Standards

Per 40 CFR Part 403.5(b), the statutes and rules of the State of Oregon and ordinances and rules of the City of Astoria, the Permittee shall not discharge wastewater containing any of the following prohibitions from any of their permitted sampling points to the city sewerage system:

- a. Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 77 degrees Fahrenheit (25 degrees Celsius) unless the DEQ, upon the request of the City, approves alternate temperature limits not to exceed 104 degrees.
- b. Flammable or explosive materials with a closed cup flashpoint of <140°F.
- c. Corrosive materials with a pH < 6.2 or caustic materials with a pH > 8.5.
- d. Solids (greater than ½ inch in any dimension) or viscous materials which will obstruct flow in the collection system, pumping stations and/or WWTP.

- e. Any pollutant, including oxygen demanding pollutants (COD, BOD<sub>5</sub>, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.
- f. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through at the POTW.
- g. 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.
- h. Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that could cause acute worker health and safety problems;
- i. Noxious or malodorous liquids, gases, solids, or other wastewater that, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life, or to prevent entry into the sewers for maintenance or repair;
- j. Any substance that could affect the treatment plant's effluent and cause violation of the National Pollutant Discharge Elimination System permit requirements;
- k. Wastewater that imparts color that cannot be removed by the treatment process, such as dye wastes and vegetable tanning solutions that consequently imparts color to the treatment plant's effluent, thereby violating City of Astoria National Pollutant Discharge Elimination System permit;
- l. Medical wastes, except as specifically authorized by the Public Works Director in a permit;
- m. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by Public Works Director;
- n. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
- o. Detergents, surface-active agents, or other substances that that might cause excessive foaming in the POTW;
- p. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations; or
- q. Pollutants, including oxygen-demanding pollutants (BOD, and the like) released in a discharge at a flow rate or pollutant concentration that, either singly or by interaction with other pollutants, will cause Interference with the POTW.
- r. Trucked or hauled pollutant

V. Anticipated Noncompliance

The permittee must give advance notice to the City of Astoria of any planned changes in the permitted facility or activity that could result in noncompliance with permit requirements.

## 18. DEFINITIONS

- A. Composite Sample—A sample that is collected over time, formed either by continuous sampling or by mixing discrete samples. The sample may be composited either as a time composite sample composed of discrete sample aliquots collected in one container at constant time intervals providing representative samples irrespective of stream flow; or as a flow proportional composite sample collected either as a constant sample volume at time intervals proportional to stream flow, or collected by increasing the volume of each aliquot as the flow increases while maintaining a constant time interval between the aliquots.
- B. Daily Maximum—The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

- C. 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.
- D. Grab Sample—An individual sample collected in less than 15 minutes, without regard for flow or time.
- E. Instantaneous Maximum Concentration— The maximum limit allowable concentration of a pollutant determined from the analysis of any discrete or composited sample collected independent of the industrial flow rate and the duration of the sampling event.
- F. Monthly Average—The arithmetic mean of the values for effluent samples collected during a calendar month or specified 30-day period (as opposed to a rolling 30-day window).
- G. Weekly Average—The arithmetic mean of the values for effluent samples collected over a period of 7 consecutive days.
- H. Upset—An exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee, excluding such factors as operational error, improperly designed or inadequate treatment facilities, or improper operation and maintenance or lack thereof.
- I. Bypass—The intentional or unintentional diversion of wastes from any portion of a treatment facility.

RESOLUTION NO. 20 -

A RESOLUTION ESTABLISHING RULES, REGULATIONS, RATE CHARGES AND  
CONDITIONS FOR SEWER SERVICE

WHEREAS, the City of Astoria provides a valuable public service by providing a sewer system inside the City limits. These sewer facilities constitute a public utility owned and operated by the City of Astoria. The utility exists for the benefit of persons within the City who want to have the system available for disposing of sewage.

WHEREAS, users of the sewer system should be charged rates that reflect the operation of this system as a public utility in the City, persons who do not use the sewer utility should not be required to pay monthly utility rates. Use of the sewer system occurs when the water service to improved property is requested to provide water for the property, because water is the medium for carrying sewage through the system.

WHEREAS, the rate structure of the sewer utility should be based upon a fee for service consistent with the above findings. Although this rate structure is intended to constitute a service charge, even if it is viewed as a charge against property or against a property as a direct consequence of ownership of that property, the utility's rate structure should, nonetheless, endeavor to allow the owner the ability to control the amount of the charge. Similarly, the utility's rate structure should reflect the full actual direct and indirect costs of providing the service.

WHEREAS, under Section 3.040 of the Astoria Code, the City Manager is authorized to enforce sewer rules and regulations and the City Council hereby approves the following rules and regulations and sets the sewer rates.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASTORIA, THAT THE FOLLOWING RULES AND REGULATIONS SHALL BECOME EFFECTIVE UPON PASSAGE:

Section 1.01. Definitions

1. "City" shall mean City of Astoria, its staff and/or designee (authorized representative).
2. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter.
3. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
4. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
5. "Combined Sewer" shall mean a sewer that is designed as a sanitary sewer and a storm sewer.
6. "Customer" shall mean a person, corporation, association or agency that has requested and is receiving water and sewer service.
7. "Garbage" shall mean solid waste from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.



8. "Industrial Waste" shall mean the liquid waste from industrial manufacturing processes, trade, or business as distinct from domestic-type sewage.
9. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
10. "Person" shall mean any individual, firm, company, association, society, corporation or group.
11. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
12. "Properly Shredded Garbage" shall mean the waste from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.
13. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
14. "Sanitary Sewer" shall mean a conduit intended to carry liquid and water-carried waste from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface water that are not intentionally admitted.
15. "Sewage" shall mean a combination of the water-carried waste from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm water as may be present.
16. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.
17. "Collection Systems" shall mean all facilities for collecting, pumping, treating and disposing of sewage.
18. "Sewer" shall mean a pipe or conduit for carrying sewage.
19. "Shall" is mandatory; "may" is permissive.
20. "Slug" shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
21. "Storm Sewer" (sometimes termed "storm drain") shall mean a sewer designed to carry only storm water, surface run-off, street wash water and drainage.
22. "Suspended Solids" shall mean solids that are either floating on the surface of, or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.
23. "Watercourse" shall mean a channel in which a flow of water occurs either continuously or intermittently.

#### Section 1.02. Use of Public Sewer Required

1. No person shall deposit or permit to be deposited in an unsanitary manner any human or animal excrement, garbage or other objectionable waste upon public or private property within the City of Astoria, or in any area under the jurisdiction of said City.
2. No person shall discharge any sanitary sewage, industrial waste, or other polluted waters to any natural outlet within the City of Astoria, or in any area under the jurisdiction of said City.
3. The owners of residences, buildings or properties used for human occupancy, employment, recreation or other purposes, within the City and abutting any street, alley or right-of-way in which a public sanitary or combined sewer of the City, is located or may be located in the future, are hereby required to install suitable toilet facilities therein, at their own expense, and to connect such facilities directly to the proper public sewer in accordance with the provisions of these rules and regulations within 90 days from the date of official notice to do so, provided that said public sewer is within 500 feet of the property line. If the owner fails to connect to the sewer as required, or fails to pay the connection and tapping charge when due, the City may discontinue water service until the connection is made and the charge is paid.
4. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

#### Section 1.03. Building Sewers and Connections

1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City.
2. There shall be two (2) classes of building sewer permits: (1) for residential and commercial services, and (2) for service to establishments producing industrial waste. In either case, the owner or his agent shall make application for service on a special form provided by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the City. Fees are set forth in Section 1.08.
3. All costs and expenses incidental to the installation and connection of a building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage incurred, directly or indirectly by the installation of the building sewer.
4. A separate and independent building sewer shall be provided for each residential unit within a condominium and for each residential building. Each commercial or industrial building shall have a separate and independent building sewer.
5. An old building sewer may be used in connection with new buildings only when it, upon examination and testing by the City, meets all requirements of this resolution.
6. The connection of the building sewer to the public sewer shall be made at a "Y" branch or "T" if such fitting is available at a suitable location. If no fitting is available, a tap will be made using an approved tapping saddle or insert a tee. Where no properly located "Y" branch or "T" is available, the tap will be made by a State Licensed Plumbing Contractor and the contractor shall have the connection inspected by the Engineering Division prior to backfilling.

7. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Public property disturbed in the course of the work shall be restored in a manner satisfactory to the City within a reasonable time.
8. The user/owner of any private or building sewer shall be responsible for maintenance to the point of connection with the public sewer.
9. The size, slope, alignment, materials or construction of a building sewer, and the methods to be used in excavating, placing of pipe, jointing, testing, and trench backfilling, shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the material and procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) and Water Pollution Control Facility (WPCF) Manual of Practice No. 9 shall apply.
10. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
11. The connection of the building sewer to the public sewer shall conform to requirements of the building code, Oregon Plumbing Specialty Code and City of Astoria Design Standard Detail S-8. All connections shall be made gastight and watertight. Any deviation from the prescribed procedures or materials must be approved by the City Engineer prior to installation.
12. The applicant for a building sewer permit shall notify the Public Works Engineering Division office when the building sewer is ready for inspection and connection to the public sewer. Connections made by a contractor must be inspected by the City prior to backfilling.

#### Section 1.04. Use of Public Sewers

1. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process water to any sanitary sewer where there is a storm sewer system available. New construction or extensive remodeling in areas where separate City sewers are not available will be piped separately to the street right-of-way line, and joined into a combined sewer line to the City main.
2. Storm water and all other unpolluted drainage shall be discharged to such sewers specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the City. Upon approval by the City, industrial cooling water or unpolluted process water may be discharged to a storm sewer, combined sewer, or natural outlet.
3. No person shall discharge or cause to be discharged any of the following described water or waste to any public sewers:
  - (a) Gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
  - (b) Water or waste containing toxic or poisonous solids, liquids, or gases insufficient quantity, either singly or by interaction with other waste that may injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving water of the sewage treatment

plant, including but not limited to cyanides in excess of two (2) mg/L as cyanide ion in the waste as discharged to the public sewer.

- (c) Water or waste having a pH lower than 6.2 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the collection systems.
  - (d) Solid or viscous substances in quantities or size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the collection systems such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
4. No person shall discharge or cause to be discharged the following described substances, materials, water or waste if it appears likely in the opinion of the City that such waste can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the City will consider such factors as to quantities of subject waste in relation to flows and velocities in the sewers, construction materials of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of waste in the sewage treatment plant and other pertinent factors. The substances prohibited are:
- (a) Liquid or vapor having a temperature higher than 150 degrees F (65 degrees C).
  - (b) Water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/L or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees F (0 and 65 degrees C).
  - (c) Garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval by the City.
  - (d) Water or waste containing strong acid iron pickling waste, or concentrated plating solutions whether neutralized or not.
  - (e) Water or waste containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or waste exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the City for such materials.
  - (f) Water or waste containing phenols or other taste-or-odor-producing substances, in such concentrations exceeding limits which may be established by the City as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving water.
  - (g) Radioactive waste or isotopes of such half-life or concentration that may exceed limits established by the City in compliance with applicable State or Federal regulations.
  - (h) Water or waste having a pH less than 6.2 or greater than 8.5.

(i) Materials which exert or cause:

1. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
2. Excessive discoloration (such as, but not limited to, dye waste and vegetable tanning solutions).
3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
4. Unusual volume or concentration of waste constituting "slugs" as defined herein.

(j) Water or waste containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving water.

5. If any water or waste is discharged or are proposed to be discharged to the public sewers, which water contain the substances or possess the characteristics enumerated in paragraphs 3 and 4 of this section, or which in the judgment of the City may have a deleterious effect upon the collection systems, processes, equipment, or receiving water, or which otherwise create a hazard to life or constitute a public nuisance, the City may:

(a) Reject the waste;

(b) Require pretreatment to an acceptable condition for discharge to the public sewers;

(c) Require control over the quantities and rates of discharge; and/or

(d) Require payment according to Section 1.09.

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

6. Grease, oil and sand interceptors shall be installed and maintained by the customer when, in the opinion of the City, interceptors are necessary for the proper handling of liquid waste containing grease in excessive amounts, or any flammable waste, sand or other harmful ingredients; except that such interceptors shall not normally be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City and shall be placed in a location that is readily accessible for cleaning and inspection.

7. Where preliminary treatment or flow-equalizing facilities are provided for any water or waste, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

8. When required by the City, the owner of any property serviced by a building sewer carrying industrial waste shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the waste. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the City. The

manhole shall be installed by the owner at his expense, and shall be maintained by the owner so as to be safe and accessible at all times.

9. All measurements, tests, and analyses of the characteristics of water and waste to which reference is made in this resolution shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the collection systems and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH is determined from periodic grab samples or continuous pH recorder.)

#### Section 1.05. Protection from Damage

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the municipal collection systems. Any person violating this provision shall be subject to immediate arrest. The utility shall be reimbursed by the offender for any such damage promptly, upon presentation of a bill, along with any other compensation due.

#### Section 1.06. Powers and Authority of Inspectors

Duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of these rules and regulations.

#### Section 1.07. Penalties

1. Any person found in violation of any provisions of these rules and regulations, excluding Section 1.05 shall be served by the City with written notice stating the nature of the violation and a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Any person who continues any violation beyond the time limit provided for in Section 1.07, subsection (1), shall be guilty of a misdemeanor. Each day in which any such violation continues shall be deemed a separate offense.

Any person violating any of the provisions of these rules and regulations shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

#### Section 1.08. Connection and Tapping Charges

1. Each permit application shall be accompanied by the payment in full of the connection charge determined according to the schedule below. The amount of the connection

charge is determined on a basis of the water meter size required to meet the occupancy requirements.

The connection charges shall be as follows:

<u>Size of Water Meter</u>	<u>Connection Charge</u>
5/8" or 3/4"	\$830.53
1"	\$1,653.82
1-1/2"	\$2,360.31
2"	\$3,788.03
3"	\$7,801.82
4"	\$10,868.84
6"	\$21,621.02
8"	\$38,142.78
10"	\$49,419.23

Connection charges for meters larger than 10" shall be determined by the City Council. A final billing for connection charges is based upon the actual cost of labor, materials and administration.

2. Actual taps of the City sewer will be performed by an authorized contractor.
3. The applicant shall make the excavation, with proper shoring, to the City sewer. The Engineering Division shall inspect the final connection before backfilling. Notify the Engineering Division 24 hours prior to needing an inspection.
4. Storm Water Connection Fee. The service fee for storm water connection to property that is of average lot size (5,000 square feet) is \$520.15. Fees for property larger than 5,000 square feet and commercial properties will be calculated at \$0.10 per square foot.

#### Section 1.09. Sewer Service Charge

1. The owner, lessee, or agent of any premises connected to the City sewer system, except those producing waste as described in Section 1.04, shall pay a sewer service charge as follows:
  - (a) The bi-monthly minimum sewer service charge for dwelling units shall be \$43.99 effective July 1, 2019.
  - (b) For bi-monthly water use in excess of 4,000 gallons for each installed meter, the sewer service charges shall be the bi-monthly minimum sewer service charge plus \$4.90 per each thousand gallons in excess of 4,000 gallons, effective July 1, 2019. In any case, the charge shall not be less than the minimum sewer service charge.
2. Those premises producing waste as described in Section 1.04, which the City is willing to accept, shall pay the rates set forth in subsection (1) above, plus any added costs of handling and treating the waste not covered by existing sewer charges.
3. All properties in the City of Astoria with a minimum of 500 square feet of space used for lawn and/or garden area are hereby given the privilege (option) of using City water for the purpose of irrigation. As meters are read on a two month cycle, the adjustment will be

calculated according to the following schedule:

- (a) Meter Reading Cycle 01
  - April/May billed in June
  - June/July billed in August
  - August/September billed in October
  
- (b) Meter Reading Cycle 02
  - May/June billed in July
  - July/August billed in September
  - September/October billed in November

An application may be made to the City Utility Clerk to receive this adjustment. Once an application is accepted by the Finance Department, it will remain in effect until either the property owner requests to have the adjustment removed or the account is closed.

- 4. Charges for irrigation water used shall be the same as other water; however, there will be no sewer fee assessed for the water used for irrigation.
  
- 5. Water used for irrigation purposes shall be determined in the following manner: An average shall be taken of the amount of water used at the premises during the three bi-monthly billing periods preceding the irrigation period. Any water used during the irrigation period in excess of this average shall not be assessed a sewer fee.
  
- 6. The bill shall be prorated equitably for less than a one-month period in case of occupancy change.

Section 1.10. Surcharge for Combined Sewer Overflow

- 1. The Finance Director shall bill and collect a 97% surcharge on all sewer billings to be applied to the correction of Combined Sewer Overflows (CSO) in Astoria.
  
- 2. The CSO surcharge shall be billed as part of the sewer item on the municipal water bill for every customer and it is due and collectable at the same time and in the same manner as the water bill. All monies collected as CSO surcharges will be placed in a CSO Fund and will be used exclusively for the correction of combined sewer overflows in Astoria.
  
- 3. If a CSO surcharge is not paid when due, the City may shut off water service until all delinquent utility charges are fully paid. Procedures and fees for processing of delinquent accounts are as provided in the current resolution establishing rules and regulations for water service.

Section 1.11. Billing Procedures

- 1. Procedures and rules governing the billing, collection, credit extension and shut off for past due accounts are contained in the Water Resolution Section 1.02.
  
- 2. The sewer service charge shall be billed as a separate item on the municipal water bill for the same customer and is due and collectible at the same time and in the same manner as the water bill. All funds collected as sewer charges will be placed in the sewer department of the Public Works Fund.



#### Section 1.12. Private Sewage Disposal

1. When a public sanitary sewer is not available under the provisions of Section 1.02, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Resolution.

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit from the Oregon State Department of Environmental Quality.

2. At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Section 1.02, a direct connection shall be made to the public sewer in compliance with this Resolution, and any septic tanks, cesspools, and similar private sewage disposal facility shall be abandoned in accordance with State law at no expense to the City.
3. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the City.
4. No statement contained in this resolution shall be construed to interfere with any additional requirements that may be imposed by the Oregon State Department of Environmental Quality.

#### Section 1.13. Non Use of Sewer

If a sewer which connects a building with the City sewer system is not to be used due to the fact that the water has been turned off at the premises, and the Finance Director has received a written notice that there will be no use of the sewer or water, the owner or occupant shall not be charged for sewer use during the period of discontinuance or until the water is turned on.

#### Section 1.14. Private Water Supply

Where a private source of water is used and then discharged into the sewer system, the private source shall be metered and the sewer service charge determined as provided in Section 1.09.

#### Section 1.15. Penalties

Any violation of these regulations may subject violator to water turn off, a \$295.52 fine, or both, in addition to any other legal remedies available to the City.

#### Section 1.16. Review and Revision of Rates

Sewer service charges established in Section 1.09 of this resolution shall, at a minimum, be reviewed annually and revised periodically to reflect actual costs of operation, maintenance, and replacement of the treatment works and to maintain the equitability of the user charge with respect to proportional distribution of the cost of operation and maintenance in proportion to each user's contribution to the total wastewater loading of the treatment works.

#### Section 1.17. Notification

Each user will be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges, which are attributable to wastewater treatment services.

Section 1.18. Repeal of Resolution

Resolution No. 19-16, adopted by the City Council on June 17, 2019, is hereby repealed and superseded by this resolution.

Section 1.19. Effective Date

The provisions of this Resolution shall be effective on the date of execution.

Section 1.20. Industrial Pretreatment

All non-domestic users of the city sewer system shall comply with industrial pretreatment standards of 40 CFR Chapter 1 Part 403.

ADOPTED BY THE CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020

APPROVED BY THE CITY MAYOR THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Manager

ROLL CALL ON ADOPTION		YEA	NAY	ABSENT
Councilor	Rocka			
	Brownson			
	Herman			
	West			
Mayor	Jones			



**DATE:** NOVEMBER 19, 2020

**TO:** MAYOR AND ASTORIA CITY COUNCIL

**FROM:** BRETT ESTES, CITY MANAGER

**SUBJECT:** LIQUOR LICENSE APPLICATION FROM CERVASIA GRATIS, INC. DOING BUSINESS AS FORT GEORGE BREWERY & PUBLIC HOUSE, LOCATED AT 70 W. MARINE DR, ASTORIA FOR A BREWERY 1<sup>ST</sup> LOCATION SALES LICENSE.

**DISCUSSION / ANALYSIS:**

A liquor license application has been filed by Cervesia Gratis, Inc. doing business as Fort George Brewery & Public House. This application is a Brewery 1<sup>st</sup> Location Sales License.

The Brewery 1<sup>st</sup> Location Sales license allows the following:

- May make malt beverages (but only at the 1st location).
- Eligible to import into Oregon malt beverages; however, only of a brand produced by a manufacturer that is under common control with the brewery licensee. See statute for definition of “common control”
- Eligible to export out of Oregon malt beverages that: a) were produced on the licensed premises; or b) are of a brand produced by a manufacturer that is under common control with the brewery licensee. (Oregon has no requirements to ship or deliver malt beverages to a business or individual outside of Oregon; however, the state or country in which the business or individual is located may have requirements.)
- As a brewery licensee, may distribute malt beverages in Oregon only to a Wholesale Malt Beverage and Wine (WMBW) licensee of the Commission.
- As a brewery licensee, may not distribute malt beverages in Oregon directly to any other Oregon licensee. Included in this prohibition are the brewery licensee’s 2nd and 3rd locations.
- Eligible to obtain a WMBW license (and then use the WMBW license to distribute malt beverages directly to other Oregon licensees, including the licensee’s 2nd and 3rd locations).
- Eligible to obtain an Oregon Winery license but only if the winery holds a valid producer and blender permit from the TTB and uses the premises to produce wine or cider.
- May sell malt beverages, wine, and cider to individuals (non-licensees of the OLCC) for consumption on or off the licensed premises.
- May sell malt beverages, wine, and cider to individuals in a securely covered container (“growler”) for consumption off the licensed premises (the container may not hold more than 2 gallons).

- May sell malt beverages in a container holding seven or more gallons (“keg”) directly to consumers for consumption off the licensed premises. A “keg” is defined in ORS 471.478(4). If sell kegs must follow OAR 845-006-0441 (keg tag).
- The licensee (and certain others associated with the licensee, see ORS 471.221) may not sell malt beverages at retail at more than 3 locations in Oregon.
- The license comes with the privilege to make next-day delivery of malt beverages, wine, and cider directly to an Oregon resident. Note: must follow OAR 845-006-0392 and 845-006-0396.
- To make same-delivery of malt beverages, wine, and cider directly to an Oregon resident the licensee must apply and received OLCC prior approval. Note: must follow OAR 845-006-0392 and 845-006-0396.
- Eligible to obtain a 2nd and 3rd location to only: a) sell malt beverages, wine, and cider to individuals (non-licensees of the OLCC) for consumption on or off the licensed premises; and b) sell malt beverages, wine, and cider to individuals in a securely covered container (“growler”) for consumption off the licensed premises. Note: may not manufacture malt beverages at the 2nd or 3rd location.
- Eligible to obtain a full on-premises sales license, but only at the 1st, 2nd, and/or 3rd location.
- Eligible to apply for a “special event” license: SEB.
- Must obtain an OLCC privilege tax bond.
- BRW designates a license that allows on-premises consumption (including tastings) of alcohol by patrons. Must meet the alcohol server education, service permit, and liquor liability insurance requirements.
- BRWNC designates a licensee that does not allow any on-premises consumption of alcohol by patrons. Eligible to be exempted from the alcohol server education, service permit, and liquor liability insurance requirements.

The site is located at 70 W. Marine Dr., Bldg 1A, Astoria. The application will be considered at the November 2, 2020 meeting. A copy of the application is attached. The appropriate Departments have reviewed the application. The Astoria Police Department has prepared the attached memorandum for Council’s review. No objections to approval were noted.

**RECOMMENDATION:**

It is recommended that City Council consider the liquor license application from Cervasia Gratis, Inc. doing business as Fort George Brewery & Public House , located at 70 W. Marine Dr, Astoria for a Brewery 1st Location sales license.

**BY: SUSAN BROOKS, FINANCE DIRECTOR**

**ATTACHMENTS:**

[10-20 LL Fort George Brewery Agenda Packet.pdf](#)



# OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

1. Application. **Do not include** any OLCC fees with your application packet (the license fee will be collected at a later time). Application is being made for:

License Applied For:	CITY AND COUNTY USE ONLY	
<input checked="" type="checkbox"/> Brewery 1st Location	Date application received and/or date stamp: <b>RECEIVED</b> 10-8-2020 Name of City or County: <u>City of Astoria</u> Recommends this license be: <input type="checkbox"/> Granted <input type="checkbox"/> Denied By: _____ Date: _____	
<input type="checkbox"/> Brewery 2nd Location		
<input type="checkbox"/> Brewery 3rd Location		
<input type="checkbox"/> Brewery-Public House 1st Location		
<input type="checkbox"/> Brewery-Public House 2nd Location		
<input type="checkbox"/> Brewery-Public House 3rd Location		
<input type="checkbox"/> Distillery		
<input type="checkbox"/> Full On-Premises, Commercial		
<input type="checkbox"/> Full On-Premises, Caterer		
<input type="checkbox"/> Full On-Premises, Passenger Carrier		
<input type="checkbox"/> Full On-Premises, Other Public Location		
<input type="checkbox"/> Full On-Premises, For Profit Private Club		
<input type="checkbox"/> Full On-Premises, Nonprofit Private Club		
<input type="checkbox"/> Grower Sales Privilege 1st Location		
<input type="checkbox"/> Grower Sales Privilege 2nd Location		
<input type="checkbox"/> Grower Sales Privilege 3rd Location		
<input type="checkbox"/> Limited On-Premises		<b>OLCC USE ONLY</b> Date application received: <u>10-10-20</u> By: <u>DMWOL</u> <b>RECEIVED</b> License Action(s): OREGON LIQUOR CONTROL COMMISSION OCT 06 2020 <u>Alpny</u> SALEM REGIONAL OFFICE
<input type="checkbox"/> Off-Premises		
<input type="checkbox"/> Off-Premises with Fuel Pumps		
<input type="checkbox"/> Warehouse		
<input type="checkbox"/> Wholesale Malt Beverage & Wine		
<input type="checkbox"/> Winery 1st Location		
<input type="checkbox"/> Winery 2nd Location		
<input type="checkbox"/> Winery 3rd Location		
<input type="checkbox"/> Winery 4th Location		
<input type="checkbox"/> Winery 5th Location		

2. Identify the applicant(s) applying for the license(s). ENTITY (example: corporation or LLC) or INDIVIDUAL(S) applying for the license(s):

Cervesia Gratis, Inc.

(Applicant #1) \_\_\_\_\_ (Applicant #2) \_\_\_\_\_

(Applicant #3) \_\_\_\_\_ (Applicant #4) \_\_\_\_\_

3. Trade Name of the Business (Name Customers Will See)		
Fort George Brewery & Public House		
4. Business Address (Number and Street Address of the Location that will have the liquor license)		
70 W. Marine Dr.		
City	County	Zip Code
Astoria	Clatsop	97103



OREGON LIQUOR CONTROL COMMISSION

**LIQUOR LICENSE APPLICATION**

<b>5. Trade Name of the Business (Name Customers Will See)</b> Fort George Brewery & Public House			
<b>6. Does the business address currently have an OLCC liquor license?</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
<b>7. Does the business address currently have an OLCC marijuana license?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
<b>8. Mailing Address/PO Box, Number, Street, Rural Route (where the OLCC will send your mail)</b> 1483 Duane St.			
<b>City</b> Astoria	<b>State</b> OR	<b>Zip Code</b> 97103	
<b>9. Phone Number of the Business Location</b> 503-325-7468		<b>10. Email Contact for this Application</b> erin@fortgeorgebrewery.com	
<b>11. Contact Person for this Application</b> Erin Moore		<b>Phone Number</b> 503-338-8337	
<b>Contact Person's Mailing Address (if different)</b> 1483 Duane St.	<b>City</b> Astoria	<b>State</b> OR	<b>Zip Code</b> 97103


Please note that liquor license applications are public records. A copy of the application will be posted on the OLCC website for a period of several weeks.

I understand that marijuana (such as use, consumption, ingestion, inhalation, samples, give-away, sale, etc.) is prohibited on the licensed premises.

I attest that all answers on all forms, documents, and information provided to the OLCC are true and complete.

**Applicant Signature(s)**

- Each individual person listed as an applicant must sign the application.
- If an applicant is an entity, such as a corporation or LLC, at least one person who is authorized to sign for the entity must sign the application.
- A person with the authority to sign on behalf of the applicant (such as the applicant's attorney or a person with power of attorney) may sign the application. If a person other than an applicant signs the application, please provide proof of signature authority.

  
\_\_\_\_\_  
(Applicant#1)

\_\_\_\_\_  
(Applicant#2)

\_\_\_\_\_  
(Applicant#3)

\_\_\_\_\_  
(Applicant#4)



# OREGON LIQUOR CONTROL COMMISSION BUSINESS INFORMATION

Please Print or Type

Applicant Name: Cervesia Gratis, Inc. Phone: 503-325-7468  
 Trade Name (dba): Fort George Brewery + Public House  
 Business Location Address: 70 W. Marine Dr.  
 City: Astoria ZIP Code: 97103

### DAYS AND HOURS OF OPERATION

Business Hours: 8am to 5pm Outdoor Area Hours: n/a *for shipping/receiving/browsing, no public hours*  
 The outdoor area is used for: n/a  
 Food service Hours: \_\_\_\_\_ to \_\_\_\_\_  
 Alcohol service Hours: \_\_\_\_\_ to \_\_\_\_\_  
 Enclosed, how \_\_\_\_\_  
 The exterior area is adequately viewed and/or supervised by Service Permittees.  
 \_\_\_\_\_ (Investigator's Initials)

Sunday	<u>8am to 5pm</u>	Sunday	_____ to _____
Monday	<u>8am to 5pm</u>	Monday	_____ to _____
Tuesday	<u>8am to 5pm</u>	Tuesday	_____ to _____
Wednesday	<u>8am to 5pm</u>	Wednesday	_____ to _____
Thursday	<u>8am to 5pm</u>	Thursday	_____ to _____
Friday	<u>8am to 5pm</u>	Friday	_____ to _____
Saturday	<u>8am to 5pm</u>	Saturday	_____ to _____

Seasonal Variations:  Yes  No If yes, explain: \_\_\_\_\_

### ENTERTAINMENT

Check all that apply: n/a

<input type="checkbox"/> Live Music	<input type="checkbox"/> Karaoke
<input type="checkbox"/> Recorded Music	<input type="checkbox"/> Coin-operated Games
<input type="checkbox"/> DJ Music	<input type="checkbox"/> Video Lottery Machines
<input type="checkbox"/> Dancing	<input type="checkbox"/> Social Gaming
<input type="checkbox"/> Nude Entertainers	<input type="checkbox"/> Pool Tables
	<input type="checkbox"/> Other: _____

### DAYS & HOURS OF LIVE OR DJ MUSIC

n/a

Sunday	_____ to _____
Monday	_____ to _____
Tuesday	_____ to _____
Wednesday	_____ to _____
Thursday	_____ to _____
Friday	_____ to _____
Saturday	_____ to _____

### SEATING COUNT

n/a

Restaurant: \_\_\_\_\_ Outdoor: \_\_\_\_\_  
 Lounge: \_\_\_\_\_ Other (explain): \_\_\_\_\_  
 Banquet: \_\_\_\_\_ Total Seating: \_\_\_\_\_

**OLCC USE ONLY**  
 Investigator Verified Seating: \_\_\_(Y)\_\_\_(N)  
 Investigator Initials: \_\_\_\_\_  
 Date: \_\_\_\_\_

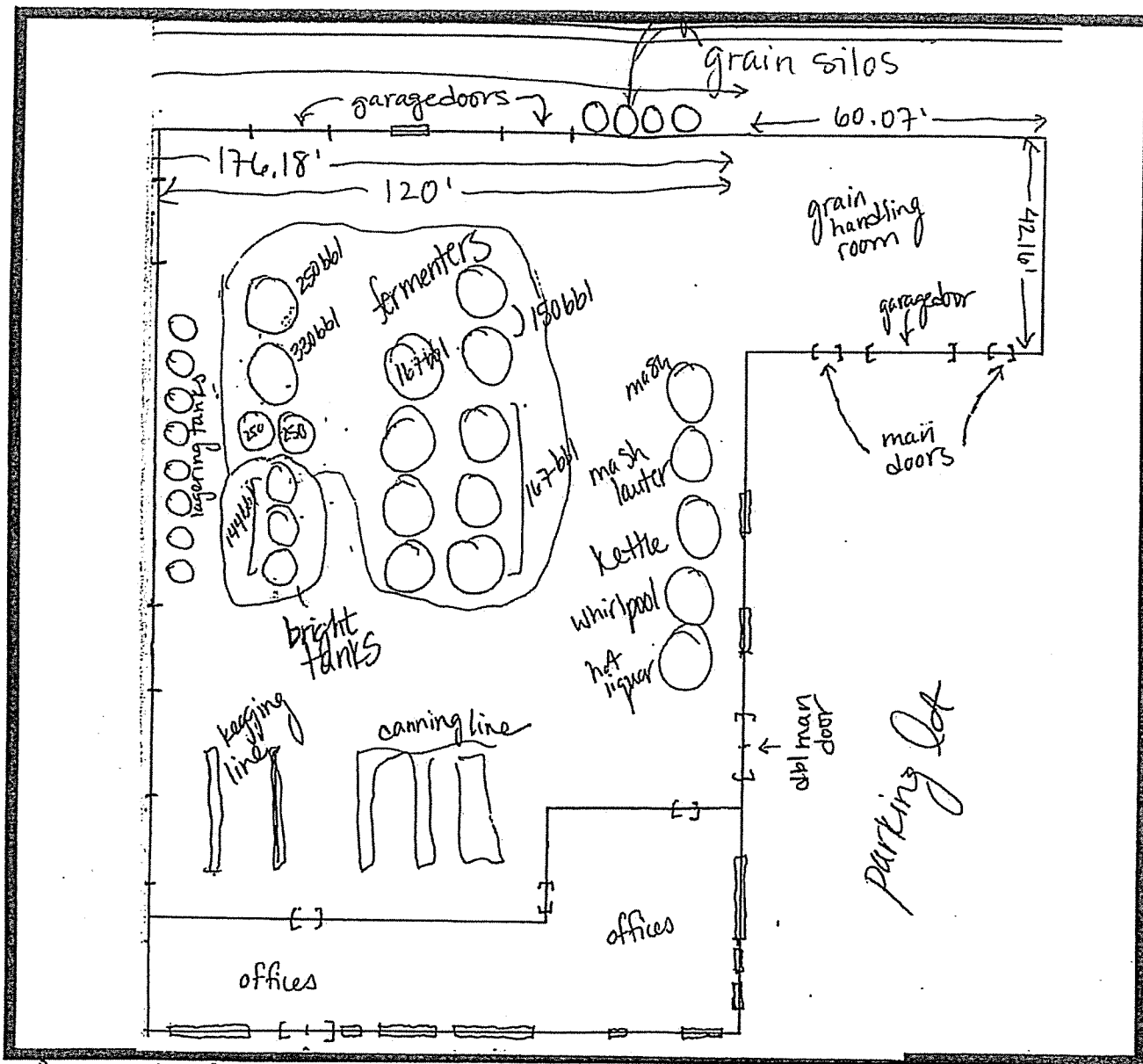
I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: [Signature] Date: 9-22-2020



# OREGON LIQUOR CONTROL COMMISSION FLOOR PLAN

- **Your floor plan must be submitted on this form.**
- Use a separate Floor Plan Form for each level or floor of the building.
- The floor plan(s) must show the specific areas of your premises (e.g. dining area, bar, lounge, dance floor, video lottery room, kitchen, restrooms, outside patio and sidewalk cafe areas.)
- Include all tables and chairs (see example on back of this form). Include dimensions for each table if you are applying for a Full On-Premises Sales license.



Cervesia Gratis, Inc.  
 Applicant Name  
Fort George Brewery + Public House  
 Trade Name (dba):  
Astoria, 97103  
 City and ZIP Code

.....OLCC USE ONLY.....  
 MINOR POSTING ASSIGNMENT(S)  
 Date: \_\_\_\_\_ Initials: \_\_\_\_\_

1-800-452-OLCC (6522)  
 www.oregon.gov/olcc





## CITY OF ASTORIA

Founded 1811 • Incorporated 1856

### MEMORANDUM • POLICE DEPARTMENT

**DATE:** OCTOBER 19, 2020  
**TO:** MAYOR AND CITY COUNCIL  
**FROM:** BRETT ESTES, CITY MANAGER  
**SUBJECT:** LICENSE RECOMMENDATION FORT GEORGE BREWERY AND PUBLIC HOUSE, BREWERY 1ST LOCATION LICENSE

#### DISCUSSION/ANALYSIS

On October 9, 2020 The City of Astoria received an application from Fort George Brewery and Public House, for a Brewery 1<sup>st</sup> Location license, for property located at 70 W. Marine Dr. Astoria.

The license privileges and requirements include:

#### **Brewery Location License**

- May make malt beverages (but only at the 1<sup>st</sup> location).
- Eligible to import into Oregon malt beverages; however, only of a brand produced by a manufacturer that is under common control with the brewery licensee. See ORS 471.221 for definition of "common control".
- Eligible to export out of Oregon malt beverages that: a) were produced on the licensed premises; or b) are of a brand produced by a manufacturer that is under common control with the brewery licensee. (Oregon has no requirements to ship or deliver malt beverages to a business or individual outside of Oregon; however, the state or country in which the business or individual is located may have requirements.)
- As a brewery licensee, may distribute malt beverages in Oregon only to a Wholesale Malt Beverage and Wine (WMBW) licensee of the Commission.
- As a brewery licensee, may not distribute malt beverages in Oregon directly to any other Oregon licensee. Included in this prohibition are the brewery licensee's 2<sup>nd</sup> and 3<sup>rd</sup> locations.
- Eligible to obtain a WMBW license (and then use the WMBW license to distribute malt beverages directly to other Oregon licensees, including the licensee's 2<sup>nd</sup> and 3<sup>rd</sup> locations).
- Eligible to obtain an Oregon Winery license but only if the winery holds a valid producer and blender permit from the TTB and uses the premises to produce wine or cider.
- May sell malt beverages, wine, and cider to individuals (non-licensees of the OLCC) for consumption on or off the licensed premises.

- May sell malt beverages, wine, and cider to individuals in a securely covered container (“growler”) for consumption off the licensed premises (the container may not hold more than 2 gallons).
- May sell malt beverages in a container holding seven or more gallons (“keg”) directly to consumers for consumption off the licensed premises. A “keg” is defined in ORS 471.478(4). If sell kegs must follow OAR 845-006-0441 (keg tag).
- The licensee (and certain others associated with the licensee, see ORS 471.221) may not sell malt beverages at retail at more than 3 locations in Oregon.
- The license comes with the privilege to make next-day delivery of malt beverages, wine, and cider directly to an Oregon resident. Note: must follow OAR 845-006-0392 and 845-006-0396.
- To make same-delivery of malt beverages, wine, and cider directly to an Oregon resident the licensee must apply and received OLCC prior approval. Note: must follow OAR 845-006-0392 and 845-006-0396.
- Eligible to obtain a 2<sup>nd</sup> and 3<sup>rd</sup> location to only: a) sell malt beverages, wine, and cider to individuals (non-licensees of the OLCC) for consumption on or off the licensed premises; and b) sell malt beverages, wine, and cider to individuals in a securely covered container (“growler”) for consumption off the licensed premises. Note: may not manufacture malt beverages at the 2<sup>nd</sup> or 3<sup>rd</sup> location.
- Eligible to obtain a full on-premises sales license, but only at the 1<sup>st</sup>, 2<sup>nd</sup>, and/or 3<sup>rd</sup> location.
- Eligible to apply for a “special event” license: SEB.

Must obtain an OLCC privilege tax bond.

Fort George Brewery and Public House’s, 70 W. Marine Dr. location, will not have public hours. The location will be open from 8:00 AM – 5:00 PM Sunday through Saturday for shipping, receiving and brewing.

### **APPLICANT**

The applicant for this license is Fort George Brewery and Public House. Individual history forms were submitted for Christopher Nemlowill and Erin Moore for this license. Representatives from the Astoria Police Department have investigated the background of the applicants named above utilizing available databases specific to restrictions for licensing. No derogatory information was located regarding the applicants.

### **NEIGHBORHOOD SURVEY**

A neighborhood survey was not conducted for this license recommendation. No public on-site consumption will occur at this location.

### **RECOMMENDATION**

Given the listed information, staff has no objection to the granting of the Brewery 1<sup>st</sup> Location license.



By: \_\_\_\_\_

Eric Halverson, Deputy Chief of Police

October 9, 2020

INVESTIGATION REPORT FOR LIQUOR LICENSE APPLICATION

Type of License: Brewery 1<sup>st</sup> Location

Amount and Receipt # \$150.00 – Receipt #295135

Applicant: Cervesia Gratis, Inc.

Trade Name: Fort George Brewery & Public House

Address: 70 W. Marine Drive, Astoria

Contact #: Erin Moore, 503-338-8337

Representatives of the departments listed below have reviewed this application with respect to the requirements of their departments.

Reviewed: (Initial below)

Public Works	Approved By:	Denied By:	Conditional Approval By: <i>Erin Moore</i> Comments: <i>Must obtain Pretreatment Permit prior to beginning brewing.</i>
Community Development	Approved By: <i>[Signature]</i> <i>10/13/2020</i>	Denied By:	Conditional Approval By: Comments:
Building Inspector	Approved By: <i>A. Butler</i> <i>10-14-20</i>	Denied By:	Conditional Approval By: Comments:

Return to Finance by 5:00 pm:

October <sup>21</sup> 9, 2020