

ORDINANCE NO. 2015- 81

AN ORDINANCE AMENDING THE SEWER USE ORDINANCES FOUND IN CHAPTER 915 OF THE KENT CODIFIED ORDINANCES IN ORDER TO KEEP THE CITY OF KENT, OHIO IN COMPLIANCE WITH STATE AND FEDERAL PERMIT REQUIREMENTS FOR INDUSTRIAL PRE-TREATMENT AND DISCHARGE LIMITS FOR SEWAGE, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent wishes to amend Chapter 915, Sewer Use Ordinances in order to keep the City of Kent, Ohio in compliance with State and Federal permit requirements for industrial pre-treatment and discharge limits for sewage; and

WHEREAS, the City of Kent wishes to adopt the changes to retain the ability to operate a waste water treatment plant; and

WHEREAS, time is of the essence to adopt the proposed changes in order to prevent the State and Federal EPA from shutting down the City waste water treatment plant or from fining the City for being in non-compliance; and

WHEREAS, the specific sections to be amended are 915.01, 915.03, 915.04, 915.07, 915.08, 915.09, 915.11, 915.17, 915.23, 915.41, 5915.44, 915.48 and 915.51, as outlined on the attached Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto:

SECTION 1. The Council hereby accepts the amendment to the Sewer Use Ordinances in Chapter 915 of the Codified Ordinances of the City of Kent as outlined Exhibit "A", attached hereto and made a part hereof.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: 04/15/2015
DATE

MAYOR AND PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

I hereby certify that Ordinance No. 2015- 81 was duly enacted this 15th day of April, 2015 by the Council of the City of Kent, Ohio.

Linda Jordan, Clerk of Council

EXHIBIT "A"

**ORDINANCE 915
SANITARY SEWER USE ORDINANCE**

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2012 Replacement

915.66	Supplemental Enforcement Action - Liability Insurance	915.70	Supplemental Enforcement Action - Informant Rewards
915.67	Supplemental Enforcement Action - Payment of Outstanding Fees and Penalties	915.71	Supplemental Enforcement Action - Contractor Listing
915.68	Supplemental Enforcement Action - Water Supply Severance	915.72	Wastewater Treatment Rates
915.69	Supplemental Enforcement Action - Public Nuisances	915.73	Miscellaneous Provisions - Pretreatment Charges and Fees
		915.74	Severability
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CROSS REFERENCES

Compulsory sewer connections - see Ohio R.C. 729.06
 Management and control of sewerage system - see Ohio R.C. 729.50
 Sewerage rates - see Ohio R.C. 729.49, 729.52
 Private sewage disposal systems - see S.U.& P.S. Ch. 917

915.01 General Provisions, Purpose and Policy

(a) This Ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works (POTW) for the City of Kent and enables the City of Kent to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403). The objectives of this Ordinance are:

- (1) To prevent the introduction of Pollutants into the POTW that will interfere with its operation;
- (2) To prevent the introduction of Pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
- (3) To protect POTW personnel who may be affected by Wastewater and Bio-solids in the course of their employment and the general public;
- (4) To promote reuse and recycling of Wastewater and Bio-solids from the POTW;
- (5) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the City of Kent POTW.
- (6) To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, Bio-solids re-use and disposal requirements, and any other Federal or State laws to which the POTW is subject on the date this Ordinance was enacted or any future Federal or State Laws to which the POTW may be required to comply with in the future.
- (7) To facilitate the maximum beneficial public use of the City's POTW while preventing blockages of the POTW resulting from FOG, and to specify appropriate FOG Discharge requirements for all Users and standard requirements for Food Service Establishments.

(b) This Ordinance shall apply to all Users of the POTW and authorizes the issuance of WDP's; provides for monitoring, compliance, and enforcement activities outlined in the ERP; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein (Ord. No. 2012-90. Passed 08/15/2012).

915.02 Administration

Except as otherwise provided herein, the Director or his/her designee, shall administer, implement, and enforce the provisions of this Ordinance; any powers granted to or duties imposed upon the Director, may be delegated by the Director, to a duly authorized City employee or provided for under contract as the Director may elect (Ord. No. 2012-90. Passed 08/15/2012).

915.03 Abbreviations

The following abbreviations, when used in this Ordinance, shall have the designated meanings:

BCC – Bioaccumulative Chemicals of Concern
 BOD – Biochemical Oxygen Demand
 BMP(s) – Best Management Practice
 BMR – Baseline Monitoring Report
 CFR – Code of Federal Regulations
 CIU – Categorical Industrial User
 COD – Chemical Oxygen Demand
 DAL – Discharge Authorization Letter
 ERP – Enforcement Response Plan
 FOG – Fats, Oils and Greases
 FSP – Food Service Purveyor
 gpd – gallons per day
 IU – Industrial User
 mg/L– milligrams per liter
 NOV – Notice of Violation
 NPDES – National Pollutant Discharge Elimination System
 NSCIU – Non-Significant Categorical Industrial User
 OEPA - Ohio Environmental Protection Agency
 POTW – Publicly Owned Treatment Works
 RCRA – Resource Conservation and Recovery Act
 SIU – Significant Industrial User
 SNC – Significant Noncompliance
 SS – Suspended Solids
 SSO(s) – Sanitary Sewer Overflows
 TDS – Total Dissolved Solids
 TOMP –Toxic Organic Management Plan
 TRC - Technical Review Criteria
 TSS – Total Suspended Solids
 WDP – Wastewater Discharge Permit
 WRF - Water Reclamation Facility
 U.S.C. – United States Code
 USEPA – U.S. Environmental Protection Agency

(Ord. No. 2012-90. Passed 08/15/2012).

915.04 Definitions

(a) Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated. Any word or term not defined herein shall be given a meaning found in Webster's Dictionary. Words used in this Rule in the singular may include the plural and the plural the singular. Use of masculine shall mean feminine and the use of feminine shall mean masculine.

- (1) **Act or "the Act"** means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Section 1251 et seq. as well as any regulations, guidelines, limitations and standards issued there under.
- (2) **Additives** mean enzymes, bacteria, degreasers and/or other products designed to emulsify FOG and/or biologically treat FOG for remediation prior to discharging to the POTW.

- (3) **Approval Authority** means the Director of the Ohio Environmental Protection Agency.
- (4) **Authorized or Duly Authorized Representative of the User** means;
- A. If the User is a corporation:
 - 1. The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
 - 2. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for WDP; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures, a copy of said authority shall be provided by the corporation to the City.
 - B. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 - C. If the User is a Federal, State, local governmental or institution facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government or institution facility, or their designee.
 - D. The individuals described in paragraphs (a) through (c), above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the Discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.
 - E. If an authorization is no longer accurate, because a different individual or position has responsibility for the overall facility's operation or overall company responsibility for environmental matters, a new authorization satisfying the above requirements shall be submitted to the Director before any reports to be signed by an authorized individual can be submitted.
- (5) **Baseline Monitoring Report (BMR)** means a report submitted by a User to the Director that describes the User's current discharge flow volume and constituents that provides information sufficient to determine the need for industrial pretreatment measures the form of which shall be provided by the Director.
- (6) **Best Management Practice(s) or BMP(s)** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 915.07 [40 CFR 403.5(a)(1) and (b)]. BMP's include treatment requirements, operating procedures, and practices to control plant or facility site runoff, spillage or leaks, Wastewater Discharge, or drainage from raw materials storage.

- (7) **Bioaccumulative Chemical of Concern or BCC** means any chemical that has the potential to cause adverse effects which, upon entering the surface waters, by itself or as its toxic transformation product, accumulates in aquatic organisms by a human health factor greater than 1,000, after considering metabolism and other physiochemical properties that might enhance or inhibit bioaccumulation, calculated in accordance with the methodology in rule 3745-1-37 of the Ohio Administrative Code or as defined in superseding rules of the Administrative Code.
- (8) **Biochemical Oxygen Demand or BOD** means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).
- (9) **Bio-solids** means solid or semi-solid, nutrient-rich organic material resulting from the treatment of sewage sludge, which can be safely recycled to maintain productive soils and stimulate plant growth.
- (10) **Building Drain** means that part of the lowest horizontal piping of a drainage system which receives the Discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer which begins five feet outside the inner face of the building wall.
- (11) **Building Sewer, Private Sewer, Service Connection and Service Lateral** means the extension from the building drain to the main public sewer whether such main sewer is within or outside of the public right of way, including the wye at the Sanitary Sewer main.
- (12) **Bypass** means the intentional diversion of Wastewater from any portion of a User's facility to the POTW or Waters of the State.
- (13) **Categorical Pretreatment Standard or Categorical Standard** means any regulation containing Pollutant Discharge limits promulgated by USEPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- (14) **Categorical Industrial User** means an Industrial User subject to a categorical Pretreatment Standard(s) or categorical Standard(s).
- (15) **Change in Operations** means any modification in the User's processes that result in a change in the number of constituent(s) by type or concentration or change in average daily flow volume in the User's Discharge.
- (16) **Chemical Oxygen Demand or COD** means a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water, usually expressed as a concentration (e.g. mg/L).
- (17) **City** means the City of Kent, Ohio.
- (18) **Combined Sewer(s)** means a sewer intended to receive and carry a combination of sanitary sewage and storm or surface waters, with or without industrial wastes.
- (19) **Compatible Pollutant(s)** means BOD, suspended solids, pH and fecal coliform bacteria, E. coli bacteria, plus additional Pollutants as identified in the City's NPDES permit if the City's POTW was designed to receive and treat such Pollutants, and in fact does remove such Pollutants to a substantial degree.
- (20) **Commissioner** means the Health Commissioner of the City of Kent, or his/her designee.
- (21) **Compliance Schedule** means an enforceable sequence of actions or operations based on a time frame and leading to the completion of a stated series of events and or actions.

- (22) **Composite Sample** means a sample of Wastewater which should contain a minimum of eight discreet samples taken at equal time intervals over the compositing period or proportional to the flow rate over the compositing period.
- (23) **Control Authority** means the City of Kent.
- (24) **Chronic POTW Areas of Concern** means areas in POTW system that have experienced Sanitary Sewer overflows or that must be cleaned or maintained frequently to avoid blockages or overflows.
- (25) **Daily Maximum** means the arithmetic average of all samples for a Pollutant collected during a calendar day.
- (26) **Daily Maximum Limit** means 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.
- (27) **Deputy Service Director/Superintendent of Engineering** means the Deputy Service Director/Superintendent of Engineering for the City of Kent, Ohio or his/her designee.
- (28) **Direct Discharge** means any Discharge to an outlet, including storm sewers and combined sewer overflows into a watercourse, pond, ditch, lake or other body of surface or groundwater.
- (29) **Director** means the Director of Public Service for the City of Kent, Ohio, or his/her designee.
- (30) **Discharge(s)** (when used as a noun) means the liquid, solid, semi-solid, gaseous or radioactive substance released into the POTW.
- (31) **Discharge Authorization Letter** means a short term letter of authorization, issued by the Director allowing for a temporary Discharge of city metered water from Users. The DAL must be precisely adhered to regarding start time, duration, location, rate of Discharge or any other specifications outlined in the DAL.
- (32) **Domestic Sewage** means Wastewater originating from human excrement and gray water (e.g. household showers, toilets, dishwashing operations, cloths washing, etc.)
- (33) **Enforcement Response Plan** is the plan implemented by the City of the Kent in order to comply with Federal Industrial Pretreatment Regulations to provide enforcement actions by the City of Kent Industrial Pretreatment Program when addressing violations of a WDP or the Sanitary Sewer User Ordinance.
- (34) **Existing Source(s)** means any source of Wastewater Discharge to the POTW that is not a "New Source."
- (35) **FOG** means all types of fats, oils and greases regardless of origin. (see Polar FOG and Non-Polar FOG)
- (36) **FOG Control Device** means any grease interceptor, grease trap, oil/water separator or other mechanism, device, or process, which attaches to, or is applied to, Wastewater plumbing fixtures and lines, the purpose of which is to trap or collect or treat FOG prior to it being discharged into the POTW. "A FOG Control Device" may also include any other proven method to control the Discharge of FOG subject to the approval of the Director.
- (37) **Food Grinder(s)** means any device installed in the plumbing or sewage system for the purpose of grinding food waste or food preparation by-products for the purpose of disposing of it in the POTW.
- (38) **Food Service Purveyors (FSP)** means any permanent facility within the boundaries or the City's service area, which prepares and/or packages food or

- beverages for sale or consumption, on or off-site, which has any process or device that uses or produces Polar FOG. Excluding private residences, FSP's include, but are not limited to, bakeries, canneries, churches, food courts, food manufacturers, food packagers, food processors, grocery stores, hospitals, hotels, lounges, meat packing, nursing homes, restaurants, schools vegetable oil and fat companies, and like establishments.
- (39) **Grab Sample(s)** means a sample taken from a Wastewater Discharge stream at a single point in time without regard to the flow in the Wastewater Discharge stream and without consideration of time, as required under 40 CFR 136.
- (40) **Grease Interceptor(s)** means a FOG Control Device, usually located underground and outside between a FSP and the connection to the POTW, designed to collect, contain, and remove food wastes and FOG from the process Wastewater Discharge stream while allowing the remaining Wastewater to be Discharged to the POTW by gravity. To be effective, these devices must be cleaned, maintained, and have the FOG removed and disposed of in a proper manner on regular intervals as required by this Ordinance.
- (41) **Grease Trap(s)** means a FOG Control Device, usually located inside the building and under a sink of a FSP, designed to collect, contain and remove food wastes and FOG from the Wastewater Discharge stream while allowing the remaining Wastewater Discharge stream to proceed to the POTW by gravity. To be effective, these devices must be cleaned, maintained and have the FOG removed and disposed of in a proper manner at regular intervals as required by this Ordinance.
- (42) **Holding Tank Waste(s)** means any Wastewater from holding tanks or chambers used in connection with vessels, chemical toilets, campers, trailers or other isolated facilities from which sanitary Wastewater emanates; including Wastewater from septic tanks and vacuum pump tank trucks. Holding Tank Waste does not mean Wastewater from City operated vacuum pump tank trucks.
- (43) **Incompatible Pollutant(s)** means all Pollutants other than Domestic Sewage as defined herein, for which the City's POTW was not designed to treat and in fact does not remove to any substantial degree.
- (44) **Indirect Discharge** means any Discharge to the POTW.
- (45) **Industrial Pretreatment Program (IPP)** means regulations adopted by the City in accordance with the Clean Water Act and 40 CFR 403.8 to prevent the discharge of Pollutants to the POTW which will interfere with the operation of the POTW or its use and disposal of Bio-solids. In addition, the Program prevents the introduction of Pollutants to the POTW that may Pass Through into Waters of the State causing toxicity or other detrimental impacts.
- (46) **Industrial User(s)** means any User who discharges to the POTW any Wastewater Discharge resulting from processes employed in industry or manufacturing, or from development of any natural resources, and identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under divisions A, B, D, E, and I or any user discharging Wastewater that may be classified as industrial Wastewater as determined by the Director. An Industrial User introduces an **Indirect Discharge** as defined by the USEPA and OEPA as the Discharge or introduction of Pollutants into the POTW from any Non-Domestic Source and not directly discharging into the waters of the State.
- (47) **Inflow** means water entering the POTW through a direct storm water/runoff connection to the POTW, which may cause an almost immediate increase in Wastewater flows to the POTW.

- (48) **Infiltration** means water entering the POTW from underground sources, through such pathways as broken pipes, defective pipe joints, connections, or manhole walls.
- (49) **Inspector(s)** means a person authorized by the Director to inspect any existing or proposed Wastewater generation, conveyance, processing, and/or disposal facilities.
- (50) **Instantaneous Limit(s)** means the maximum concentration of a Pollutant allowed to be discharged at any time, determined from the analysis of any grab or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.
- (51) **Interference(s)** means a Wastewater Discharge that, alone or in conjunction with a Wastewater Discharge or Wastewater Discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its Bio-solids processes, use or disposal; and therefore, is a cause of a violation of the City's NPDES permit or of the prevention of Bio-solids use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued there under, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
- (52) **Local Limit(s)** means specific Wastewater Discharge limits developed and enforced by the City upon residential, industrial, commercial, institutional or governmental facilities to implement the general and specific Wastewater Discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
- (53) **Manager** means the person(s) designated by the City to supervise the operation(s) of the POTW, and who is charged with certain duties and responsibilities by this Ordinance or the Director. The term also means a Duly Authorized Representative of the Director.
- (54) **Manifest(s)** means the receipt or form which is retained by the generator of the Wastewater for disposing treatable and recyclable Wastewater as required by the City. For purposes related to FOG, a manifest means either: (1) the receipt from disposal of FOG from a FOG Control Device or; (2) The FOG Manifest Form as provided by the Director or; (3) another method of documentation approved by the Director.
- (55) **May** means a discretionary condition as determined by the Director.
- (56) **Medical Waste(s)** means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- (57) **Monthly Average** means the sum of all "daily Discharges" measured during a calendar month divided by the number of "daily Discharges" measured during that month.
- (58) **Monthly Average Limit(s)** means the highest allowable average of "daily Discharges" over a calendar month, calculated as the sum of all "daily Discharges" measured during a calendar month divided by the number of "daily Discharges" measured during that month.
- (59) **National Pollutant Discharge Elimination System (NPDES) Permit** means the National Pollutant Discharge Elimination System permit issued to the City of Kent WRF by the Ohio EPA.

- (60) **National Prohibitive Discharge Standard(s)** means any regulation developed under the authority of Section 307(b) of the Act and 40 CFR, Section 403.5, and amendments thereto.
- (61) **New Source(s)** means.
- A. Any building, structure, facility, or installation from which there is or may be a Discharge of Pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
 - 1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - 2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the Discharge of Pollutants at an Existing Source; or
 - 3. The production or Wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing facility, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered, as determined by the Director.
 - B. Construction on a site at which an Existing Source is located results in a modification, rather than a New Source, if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (a)(2) or (3) above but otherwise alters, replaces, or adds to
 - C. Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
 - 1. Begun, or caused to begin, as part of a continuous onsite construction program
 - (i) any placement, assembly, or installation of facilities or equipment; or
 - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of New Source facilities or equipment; or
 - 2. Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
 - D. Any change in the ownership, food types or operational procedures that have the potential to increase the amount of FOG generated and/or discharged by a FSP in an amount that alone or collectively causes or creates a potential for POTW blockages and/or SSO's in the POTW.
 - E. A physical change or operational change causing increased FOG generation that exceeds the current amount of FOG discharged to the POTW by a FSP or construction of a FSP that requires a building permit, and involves any one or combination of the following; (1) under slab

- plumbing in the food processing area; (2) a 30% increase in the net public seating area; (3) a 30% increase in the size of the kitchen area; (4) any change in the size or type of food preparation equipment; (5) a 30% increase in food preparation production, or; (6) any FSP that is non-operational for a period greater than twelve (12) months.
- F. Tenant-finish is defined as a New Source and is a portion of an existing building that is subsequently occupied by a FSP, oftentimes requiring building and/or plumbing modifications to meet the specifications and needs of the FSP tenant. Tenant-finish differs from new construction in that a sewer connection permit may have already been issued.
- (62) **Non-Contact Cooling Water** means water used for cooling purposes that does not come into direct contact with any raw material, intermediate product, waste product, or finished product or that is not chemically treated.
- (63) **Non-Domestic Sewage** means all Wastewater that is not of Domestic Sewage origin (e.g. commercial, industrial, institutional and governmental process Wastewater Discharges, etc.).
- (64) **Non-Polar FOG** means fats, oils and greases that are derived from petroleum and mineral sources such as, but not limited to, machinery lubricating oils, gasoline station products, petroleum refining products and petroleum storage depot products. Concentration levels are derived from a Grab Sample and analyzed by EPA Method 1664A.
- (65) **Non-Significant Categorical Industrial User** means an Industrial User subject to reporting requirements in Section 915.47 for Categorical Pretreatment Standard Users that never Discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling water and boiler blow down wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met as provided for in 40 CFR 403.3 (v) (2):
- A. The IU has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;
 - B. The IU annually submits the certification statement required in 40 CFR 403.12(q) together with any additional information necessary to support the certification statement; and
 - C. The IU never discharges any untreated concentrated wastewater.
- (66) **Non-Significant Industrial User** means an IU that discharges less than 100 gallons per day (gpd) of Normal Strength Wastewater.
- (67) **Normal Strength Wastewater** means Wastewater which contains **Pollutant constituents as defined in 915.11(b) table (Pollutant Group A)** and does not contain any toxic, hazardous or regulated substances.
- (68) **Ohio EPA** means the State of Ohio Environmental Protection Agency or successor agencies, or where appropriate, a designation for the Director of Ohio EPA or other fully authorized official of this Agency.
- (69) **Oil/Water Separator** means a device designed to separate Non-polar FOG from industrial or commercial Wastewater sources prior to Discharge to the POTW.
- (70) **Ordinance (Sanitary Sewer Use Ordinance)** means the legal document enacted by the City that defines the use of the City's POTW including rules of enforcement.

- (71) **Pass Through** means a Discharge which exits the WRF into waters of the State in quantities or concentrations which, alone or in conjunction with a Discharge or Discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.
- (72) **Person** means any individual, partnership, society, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, institution or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- (73) **pH** means a measure of the acidity or alkalinity of a solution, expressed in standard units of 0-14.
- (74) **Polar FOG** means fats, oils and greases of animal and vegetable origin that are typically associated with blockages and overflows in the POTW, such as are discharged to the POTW from FPS(s). **Concentration levels are derived by analyzing using EPA Method 1664A.**
- (75) **Pollutant(s)** means dredged spoil, solid waste, incinerator residue, filter backwash, Domestic Sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes discharged into or added to water; and certain characteristics of Wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor) or any man induced alteration of the chemical, physical, biological and radiological integrity of water.
- (76) **Premises** mean any parcel of real estate or portion of real estate, including any improvements, determined by the Director to be a single user for purposes of receiving, using and paying for services.
- (77) **Pretreatment** means the reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in Wastewater prior to, or in lieu of, introducing such Pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the Pollutants unless allowed by an applicable Pretreatment Standard.
- (78) **Pretreatment Requirement(s)** mean any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.
- (79) **Pretreatment Standards or Standards** means prohibited Discharge standards, categorical Pretreatment Standards and Local Limits.
- (80) **Process Wastewater** means any Wastewater as defined as Non-Domestic Sewage.
- (81) **Prohibited Discharge Standards or Prohibited Discharges** means absolute prohibitions against the Discharge of certain substances; these prohibitions appear in Section 915.07 of this Ordinance.
- (82) **Properly Shredded Garbage** means the wastes from the preparation, cooking and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the POTW, with no particle greater than one half inch in any dimension.
- (83) **Publicly Owned Treatment Works (POTW)** means a treatment works, as

- defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey Wastewater to a POTW
- (84) **Public Sewer** means a sewer in which all owners of properties abutting the sewer have equal rights, and the sewer is owned and controlled by public authority. As used herein, a public sewer shall be understood to be a component of the POTW and mean a public Sanitary Sewer unless otherwise specified.
- (85) **Resource Conservation and Recovery ACT (RCRA)** means the U.S. law that regulates ongoing operations involving the generation, transport, and treatment/transport/disposal of hazardous wastes.
- (86) **Sample Point** means a location approved by the Director or his designee from which Wastewater can be collected that is representative in content and consistency of the entire flow of Wastewater being discharged.
- (87) **Sanitary Sewer** means a sewer that carries Domestic Sewage and/or industrial wastes from residences, business establishments, institutions and industrial establishments, together with minor quantities of ground, storm and surface waters or unpolluted water from any source that is not admitted intentionally.
- (88) **Sanitary Sewer Overflow (SSO)** means an overflow of untreated Wastewater from the POTW into the environment.
- (89) **Sewer** means a pipe or conduit that carries Wastewater or drainage water.
- (90) **Shall** means mandatory.
- (91) **Significant Industrial User (SIU)** means;
- A. Except as provided in paragraphs (c) and (d) of this Section, a Significant Industrial User is:
1. An Industrial User subject to Categorical Pretreatment Standards; or
 2. An Industrial User that:
 - (i) Discharges an average of twenty five thousand (25,000) gpd or more of process Wastewater to the POTW (excluding sanitary, noncontact cooling water and boiler blow down Wastewater);
 - (ii) Contributes a process Wastewater Discharge which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the WRF; or
 - (iii) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the operation of the POTW or for violating any Pretreatment Standard or Requirement.
 3. The City may determine that an Industrial User subject to Categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical Wastewater (excluding sanitary, non contact cooling and boiler blow down Wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

- (i) The Industrial User, prior to City's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
 - (ii) The Industrial User annually submits the certification statement required in together with any additional information necessary to support the certification statement; and
 - (iii) The Industrial User never discharges any untreated concentrated Wastewater.
4. Upon a finding that a User meeting the criteria in Subsection 915.07 through 915.12 of this Ordinance has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the City may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.
- (92) **Significant Noncompliance** means any User as defined in Ohio Law and Regulations who is in violation of applicable Pretreatment requirements as defined in 915.51.
- (93) **Slug Discharge(s) or Slug Load(s)** means any Discharge at a flow rate or concentration, which could cause a violation of the prohibited Discharge standards in Section 915.07 through 915.12 of this Ordinance. A Slug Discharge is any Discharge of a non routine, episodic nature, including but not limited to an accidental spill or a non customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.
- (94) **Spill Prevention and Control Plan** means a formal written plan, approved by the Director, to prevent the discharge of Pollutants into the POTW, while also outlining remedial actions should a spill actually occur.
- (95) **State** means the State of Ohio.
- (96) **Storm Drain or Storm Sewer** means a drain or sewer for conveying storm and surface waters and drainage, groundwater, subsurface water or unpolluted water from any source.
- (97) **Storm Water** means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- (98) **Temporary WDP** means the short term permit, issued by the Director, for the treatment of polluted groundwater that is intended to be discharged to the POTW. Wastewater Discharges authorized under this permit shall contain no process Wastewater or potable City water.
- (99) **Total Dissolved Solids or Dissolved Solids** means the concentration of dissolved solids in water that is not removable by laboratory filtering as determined by the method specified in 40 CFR Regulations, Part 136; usually expressed as mg/L.
- (100) **Total Suspended Solids or Suspended Solids** means the concentration of suspended matter that floats on the surface of, or is suspended in water, that is removable by laboratory filtering as determined by the use of the method specified in 40 CFR Regulations, Part 136; usually expressed in mg/L.

- (101) **USEPA** means the United States Environmental Protection Agency, or where appropriate, the Administrator or other duly authorized official of that Agency.
- (102) **User** means a Person discharging into the City's POTW or a source of indirect Discharge.
- (103) **Waste Minimization Plan** means the use of "source reduction" and/or environmentally sound recycling methods prior to discharge of waste products to the POTW. The purpose of this plan is to eliminate the generation of waste products at the source and refers to any practice that reduces the use of hazardous materials in the production process.
- (104) **Wastewater** means liquid and water-carried industrial Pollutants, Non-Domestic Sewage and Domestic Sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, government facilities and institutions, whether treated or untreated, which are introduced into the POTW.
- (105) **Wastewater Discharge Permit (WDP)** means the permit, issued by the Director, authorizing the use of the City's POTW. Wastewater Discharges authorized under a WDP excludes those discharges defined as Normal Strength Wastewater or Temporary.
- (106) **Water Reclamation Facility** means that portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.
- (107) **Waters of the State** means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state of Ohio or any portion thereof.
- (108) **Watercourse** means any flowing body of water, or facility where water would flow if it were present, where the outlet is to the Waters of the State, including but not limited to rivers, streams, creeks, ditches and so forth.

(Ord. No. 2012-90. Passed 08/15/2012).

915.05 Use of Public Sanitary Sewer Required

(a) Deposits Prohibited. No person shall place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area within the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste.

(b) Discharge to Watercourse Prohibited. No person shall discharge to any Watercourse within the City, or within any area under the jurisdiction of the City, any Wastewater or other polluted waters, except where suitable treatment has been provided in accordance with federal, state and City regulations.

(c) Privy, Cesspool or Private Sewer Prohibited. No owner, agent, lessee, tenant or occupant of any lot or land located within the City shall establish, construct, maintain or permit to remain, a septic tank, privy, cesspool or other receptacle for sewage or excreta, or a connection to a private sewer, ditch or other outlet, if such lot or land is accessible to a public Sanitary Sewer constructed and used for the purpose of conveying sewage. When such public Sanitary Sewer is available or is hereafter made available, a connection to such public Sanitary Sewer shall be established and used by such owner, agent, lessee, tenant or occupant.

(d) Connection Required and Cost of Laterals.

- (1) Every building within the City shall be separately and individually connected by a separate building sewer lateral to a public Sanitary Sewer where there is such Sanitary Sewer adjoining the lot or parcel of land on which such building stands.

Residential multifamily properties that are similar to triplexes, triplexes, or townhouses as identified by the Deputy Service Director/Superintendent of Engineering shall be required to install a separate Sanitary Sewer lateral for each individual unit.

- (2) Any and all costs for the initial installation, replacement due to maintenance or repair and/or replacement necessary due to an increase in Sanitary Sewer flow resulting from a change in the nature of the use of the building shall be paid for by the owner of the property being served by the Sanitary Sewer lateral. The owner of the property shall maintain, repair and replace that portion of the Sanitary Sewer lateral located within the public right of way and on private property from the City main, including the Sanitary Sewer wye.
- (3) Where Sanitary Sewer laterals are a part of a street reconstruction project, the City shall repair and/or replace where necessary that portion of the Sanitary Sewer laterals located within the public right of way as the Director determines is necessary.
- (4) Every building in existence prior to the construction of a public Sanitary Sewer adjacent to the lot or parcel of land on which the building stands shall, upon the construction of such adjacent Sanitary Sewer, be connected to such Sanitary Sewer within six months of the time such Sanitary Sewer is so constructed and made available for use.
 - A. The Director shall cause written notice to be given to the owner of each lot or parcel of land to which such connections required herein are to be made. The notice shall state the number and character of connections required as determined by the Deputy Service Director/Superintendent of Engineering. The notice under this section shall be by certified mail addressed to such owner at his last known address or to the address to which tax bills are sent. The returned receipt for notice given by certified mail accepted by the addressee or anyone purporting to act for him shall be prima facie evidence of the service of notice required under this section. If it appears by the return of the certified mail notice that the owner cannot be found, such owner shall be served by publication of the notice once in a newspaper of general circulation within Portage County, Ohio.
 - B. When such connection to the public Sanitary Sewer is not installed by the owner of the property within six months as required in (4) above and notices have been sent as required in (4) A. above the Director shall issue a notice to the property owner providing thirty (30) calendar days from the date of service of such notice, that the required installation of the Sanitary Sewer lateral work will be done by the City and the cost thereof together with a forfeiture of forty percent (40%) of the cost thereof, assessed against the lots and lands for which such Sanitary Sewer lateral connection is made.
- (5) In the event that the Director determines that the condition(s) of an existing Sanitary Sewer lateral is such that repair or replacement is necessary the Director shall order the repair/replacement of the Sanitary Sewer lateral and said work shall be completed in the time period determined by the Director. In the event that the required repair or replacement creates a health risk to the public the Director shall order the immediate repair/replacement of the Sanitary Sewer lateral and if such repair or replacement is not immediately made then provide for the work to be done by the City and the cost thereof together with a forfeiture of forty percent (40%) of the cost thereof, assessed against the lots and lands for which such Sanitary Sewer lateral repair or replacement is made.

- (6) This section shall be supplemental to and not in derogation of existing Ordinances relative to sewer connections required for any building within the City.
- (e) Buildings shall be connected to the public Sanitary Sewer only through a Sanitary Sewer lateral from the dedicated utility right-of-way on which the lot has frontage, except that when there is no main in the street or dedicated utility right-of-way and a proper connection can be made elsewhere on adjoining property, the owner of the lot may, after obtaining a recorded easement from the owner of a lot on an adjoining street or dedicated utility right-of-way and paying the applicable front foot connection charge based on the width of his property as called for in Chapter 925 of Kent Codified Ordinances and the Utilization Charges required in Chapter 919 of Kent Codified Ordinances, obtain a connection to the public Sanitary Sewer through said easement from the adjoining street or dedicated utility right-of-way. The owner of the lot to be served through the easement shall furnish a copy of the recorded easement to the Department of Public Service. In such case the Department of Public Service will open an account, issue permits and charge for the public sewer in conformity with this Chapter. When the main is laid in the street or dedicated right-of-way on which the lot has frontage, the owner shall purchase a standard service from the new main or dedicated utility right-of-way and disconnect the service from the main in the adjoining street or dedicated utility right-of-way and provide vacation of the easement previously required.
- (f) Sewers Under Control of City. All Sewers of any kind within the lines of any street, public easement or other public ground, or any Sewer constructed by the City shall be under the control of the City. All Sewers of any kind not within the lines of any street, public easement or other public ground shall not be the maintenance responsibility of the City but shall remain under the control of the City.

(Ord. No. 2012-90. Passed 08/15/2012)

915.06 Building Sewers and Connections

(a) Sewer Connection Permits. Sewer connection permits for each connection to the POTW shall be taken out in the name of the owner, agent or person in whose interest the work is to be done as provided in subsection (c) hereof, before any work is commenced. In no case shall such work be commenced or prosecuted unless such permit is on the grounds and in the possession of the person doing the work. Each permit shall designate the street and number of the house and subplot and shall include such a definite description of the premises as to clearly define the location and elevation of the connection and shall include the name of the contractor who will install or repair the sewer.

Industrial Users applying for a permit shall furnish information concerning the character of wastes and the layout and design of Wastewater disposal facilities located on the property of the applicant as required by Section 915.19.

No new connection to the POTW shall be made until an application with the plan for the connection is filed with and approved by the Director, and accompanied with a permit fee of twenty five dollars (\$25.00) for each dwelling unit and a fee of seventy five dollars (\$75.00) for each commercial or industrial unit, plus all appropriate tap in fees, assessments, etc.

All openings made within the street lines for the purpose of laying any Sanitary Sewer lateral or other drain shall be done in open trench and a street excavation permit shall be obtained for such work. The property owner opening the street shall be responsible to repair the street to the satisfaction of the Director.

(b) Direct Discharge Permits. All persons shall obtain a permit to Discharge any waters or Wastewaters to any Watercourse in the City. Under no circumstances does a permit from the Ohio EPA excuse any person from obtaining a permit from the City.

To obtain a permit to discharge industrial waters or Wastewaters to any Watercourse of the State, the following conditions shall be met:

- (1) Proof of permit from the Ohio EPA to discharge into waters of the State, or a statement from Ohio EPA that such permit is not required; and
- (2) Information as described in subsection (a) hereof, if requested by the Director.

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(c) **Inspection and Costs.** Prior to the completion of the connection to a sewer, the contractor shall notify the Deputy Service Director/Superintendent of Engineering for the purpose of arranging an inspection. The connection shall not be made unless inspection of the work site is made by the Deputy Service Director/Superintendent of Engineering or his/her designee and permission is granted for connection. All excavations shall remain open and barricaded until inspected.

Whenever practicable, a separate and independent building Sanitary Sewer lateral shall be provided for each building. Multi family buildings should provide separate Sanitary Sewer laterals for each dwelling unit. For the purpose of this section multi family shall be defined as duplexes, triplexes, townhouses and similar structures. The Deputy Service Director/Superintendent of Engineering shall make such determination as to need for separate Sanitary Sewer lateral.

Existing building Sanitary Sewer laterals may not be used to connect new buildings to a sewer unless approved and inspected by the Director and the owner of said building demonstrates that the existing building Sanitary Sewer meets all requirements of this chapter.

The connection and construction of all Sanitary Sewer laterals shall be made in conformance with subsection (d) hereof.

Such information as the City possesses relative to the location of wye branches, depth of Sanitary Sewer and so forth shall be kept in the office of the Deputy Service Director/Superintendent of Engineering and shall be furnished upon request. All reasonable care shall be taken to insure the correctness of such information but neither the Director, Deputy Service Director/Superintendent of Engineering nor the City shall be held liable for errors or mistakes arising therefrom.

All costs and expenses incident to the installation and connection of the building Sanitary Sewer lateral shall be borne by the property owner. The property owner and all occupants shall indemnify the City for any loss or damage that may directly or indirectly be occasioned by the installation of the building Sanitary Sewer lateral and connection there to the City's Sanitary Sewer.

As specified in Section 915.07 (b) (11), no connections of pipes carrying unpolluted water such as groundwater, storm water, roof runoff, subsurface drainage or uncontaminated cooling or industrial process water shall be made to the Sanitary Sewer.

(d) **Materials. Specifications. Bonding and Guarantees.** The construction and connection of all Sanitary Sewers, building sewers (laterals), sewer joints, special connections and manholes shall be composed of such materials and be installed in accordance with such specifications and procedures as the Director shall prescribe by regulation, which also shall include provisions for minimum bonding requirements and construction and maintenance guarantees for such construction and connections. (Ord. No. 2012-90. Passed 08/15/2012).

915.07 Prohibited Discharge(s) To The POTW:

(a) **General Prohibitions.** No User shall introduce or cause to be introduced into the POTW any Pollutant or Wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the City's POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

(b) **Specific Prohibitions.** No User shall introduce or cause to be introduced into the POTW the following Pollutants, substances, or Wastewater:

- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
- (2) Wastewater having a pH less than 5.0 or more than 11.0, or otherwise causing structural damage to the POTW or equipment;
- (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference but in no case solids greater than 3/4 inch in

- any dimension, such as, but not limited to: ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups and milk containers, either whole or ground by garbage grinders as determined by the Director;
- (4) Pollutants, including oxygen demanding Pollutants (BOD, etc.), released in a Discharge at a flow rate and/or Pollutant concentration which, either singly or by interaction with other Pollutants, will cause Interference or Pass Through with the POTW;
 - (5) Wastewater Discharge having a temperature greater than 104 degrees F (40 degrees C).
 - (6) Toxic wastes. Wastewaters containing or which result in the presence of toxic or poisonous solids, liquids, gases, vapors or fumes within the POTW in sufficient quantity, either singly or in combination with other wastes, to injure or interfere with any waste treatment process, render treatment process effluents or residues unfit for reclamation or reuse, cause violations of the NPDES Discharge permit or other disposal system permits, constitute an acute health hazard or safety problem to humans or animals, create a public nuisance or create any hazard or water quality violation in the receiving waters of the WRF;
 - (7) Trucked or hauled Pollutants, except at discharge points designated and approved by Director;
 - (8) Noxious or malodorous liquids, gases, solids, or other Wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or that prevents entry into the sewers for maintenance or repair;
 - (9) Wastewater which imparts color which cannot be removed by the WRF, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently impart color to WRF effluent, thereby violating the City's NPDES permit;
 - (10) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
 - (11) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, de-ionized water, Noncontact Cooling Water, and unpolluted Wastewater, unless specifically authorized by Director;
 - (12) Sludges, screenings, or other residues from the Pretreatment of industrial wastes;
 - (13) Medical Wastes, except as specifically authorized by Director in an WDP;
 - (14) Wastewater causing, alone or in conjunction with other sources, the WRF effluent to fail toxicity test;
 - (15) Detergents, surface active agents, or other substances which might cause excessive foaming in the POTW;
 - (16) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than ten percent (10%), or any single reading over ten percent (10%), of the Lower Explosive Limit of the meter.
 - (17) Any garbage which has not been properly shredded as defined herein. The installation of any garbage grinder equipped with a motor greater than three fourths (3/4) horsepower shall require the prior written approval of the Director.

- (18) Limitations on point of discharge. No Person shall Discharge any substances including trucked or hauled Pollutants such as industrial and Holding Tank Waste directly into a manhole or other opening in a public Sanitary Sewer or the POTW, unless that Person has been issued a WDP which specifies locations and times of discharge designated by the Director. If a permit is issued for such Discharge, the Person shall pay the applicable charges and fees and shall meet such other conditions as required by the Director.
- (19) Any removal of manhole covers or other access to the POTW for the purpose of discharging wastes at times and/or locations other than those designated by the Director, or without the Director's expressed permission, shall be a violation of this chapter, and shall subject the User to enforcement actions including fines and penalties contained herein.
- (20) Quantities of flow, concentrations or both which constitute Slug Load or Slug Discharge as defined herein.
- (21) Non-polar FOG shall not be discharged at a concentration in excess of **limits in 915.11(b) (2)**.
- (22) Discharge of Wastewater containing Polar FOG as prohibited under section 915.08 (FOG Standards). Pollutants, substances, or Wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

(Ord. No. 2012-90. Passed 08/15/2012).

915.08 FOG Standards

(a) FOG Prohibitions -The following prohibitions shall apply to all FSP's that discharge FOG to the POTW:

- (1) All FSP Discharges to the POTW shall have no visible free-floating Polar FOG or FOG concentrations greater than **identified in 915.11(b)(1)**.
- (2) Discharge of food products through food grinders and/or garbage disposal-type devices to the POTW is prohibited.
- (3) Discharge of waste that does not require separation (i.e. urinals, toilets, wash basins, etc.) is prohibited from entering FOG Control Devices.
- (4) Dishwasher Discharge water is prohibited from entering the FOG Control Device.
- (5) Use of hot water to clean FOG Control Device(s) is strictly prohibited.
- (6) Introduction of any additives into a FSP's Wastewater system or FOG Control Device for the purpose of emulsifying FOG or biologically/chemically treating FOG for Pretreatment purposes, remediation, or as a supplement to Sanitary Sewer maintenance is prohibited, unless a specific written authorization from the Director is obtained.
- (7) Disposal of waste cooking oil into Sewers connected to the POTW is prohibited. All waste cooking oils shall be collected and stored properly in appropriate receptacles such as barrels or drums for recycling or other acceptable methods of disposal.
- (8) All FOG Control Devices and/or solids interceptors shall be operated and maintained so that no more than 25% of the volume/capacity of the device is filled with FOG and/or solids.
- (9) The Discharge of FOG and/or solids removed during the cleaning of any FOG Control Device or solids interceptor to the POTW, Sanitary Sewer lateral, storm drain, or public right of way is prohibited. These wastes shall be properly

- disposed of off-site by certified waste haulers in accordance with federal, state and/or local laws. Disposal practices shall be properly documented via a FOG Control Manifest form.
- (10) A three compartment sink must be directly connected to the FOG Control Device.
 - (11) The maximum temperature of Wastewater entering any FOG Control Device shall not be in excess of 98 degrees F.
 - (12) Falsifying information or tampering with FOG Control standards is strictly prohibited.
- (b) FOG Pretreatment Required - All FSP's shall comply with applicable provisions specified in this Ordinance.
- (1) All FSP's shall provide Wastewater acceptable to the City under the requirements and standards established herein before discharging to the POTW. Any FSP required to provide FOG Pretreatment shall install, operate, and maintain an adequately sized FOG Control Device(s) necessary to maintain compliance with the objectives of this Ordinance.
 - (2) New FSP's are required to install, operate and maintain an adequately-sized FOG Control Device(s) necessary to maintain compliance with the objectives of this Ordinance. Requirements for FOG Control Device's are found in 915.08 (e) of this Ordinance. For new FSP's, the FOG Control Device(s) shall be adequate to separate and remove FOG contained in Wastewater Discharges prior to Discharge to the POTW. Fixtures, equipment and drain lines located in the food preparation and clean-up areas of FSP's that are sources of FOG Discharges shall be connected to the FOG Control Device. The Director has ultimate authority over FOG Control Device installation and sizing requirements.
 - (3) An existing FSP without a FOG Control Device may be required to install and maintain one or more devices at the discretion of the Director.
 - (4) If the installation of a Grease Interceptor is impossible due to site constraints, a new and/or existing FSP may be required to install Grease Trap(s) in the waste line(s) leading from drains, sinks, and other fixtures or equipment where FOG may be introduced into the POTW in quantities that are in violation of this Ordinance. Requirements for Grease Traps are found in 915.08 (e) of this Ordinance. The Director has ultimate authority over Grease Trap installation and sizing requirements.
 - (5) Existing FSP's with a FOG Control Device(s) that has caused or contributed to blockage(s) and/or SSO's in the POTW, or which have sewer laterals connected to Chronic POTW Areas of Concern, or existing FSP's which have been determined to contribute significant FOG to the POTW by the Director, based on inspections or sampling, may be required to service and clean their FOG Control Device on a more frequent schedule as determined by the Director. Should a FSP not comply with the City's requirement to clean their FOG Control Device(s) on a more frequent basis, the Director may issue the FSP a FOG WDP which will specify the modified cleaning and servicing schedule and may include the assessment of surcharge penalties as deemed necessary by the Director.
- (c) Best Management Practices - All FSP's shall be required, at a minimum, to comply with the following BMP's.
- (1) Installation of floor drain grates/screens - Approved floor drain grates/screens shall be installed in accordance with the Ohio Version of the International Plumbing Code on all drainage pipes in all floor drains.

- (2) Collection of FOG - All FOG shall be collected and properly stored in approved recycling receptacles such as barrels or drums. Such recycling receptacles shall be properly maintained to ensure that they are covered and do not leak. Licensed waste haulers or an approved recycling facility must be used to dispose of all FOG.
- (3) All food waste shall be properly disposed of directly into the trash or garbage, and not introduced into the POTW.
- (4) At a minimum, employees of the FSP shall be trained by the ownership/management upon initial hire and once per year thereafter on the following subjects.
 - A. How to “dry wipe” pots, pans, dishware and work areas before washing to remove FOG.
 - B. How to properly dispose of food waste and solids in enclosed plastic bags prior to disposal in trash bins or containers to prevent leaking and/or odors.
 - C. The location and use of absorption products to clean under fryer baskets and other locations where FOG may be spilled or dripped.
 - D. How to properly dispose of FOG from cooking equipment into an appropriate FOG receptacle, such as a barrel or drum without spilling.
- (5) Kitchen Signage - Best Management Practices and Waste Minimization practices shall be posted conspicuously in the food preparation and dishwashing areas at all times.

(d) FOG WDP - FOG WDP's are not required to be obtained by FSP's unless specified by the Director. Issuance of a FOG Permit will be done on an “as needed” basis as determined by the Director for entities that do not fully comply with the terms and conditions of this Ordinance.

- (1) FOG WDP - Requirement
 - A. FSP's proposing to discharge or are currently discharging Wastewater containing FOG into the POTW may be issued a FOG WDP by the Director.
 - B. FOG WDP's are designed to bring FSP's into compliance with this Ordinance.
 - C. The Director shall develop all necessary FOG WDP's for FSP's. FSP's are required to provide accurate information to the Director, as requested.
 - D. The conditions of a FOG WDP shall be enforced by the Director in accordance with this Ordinance and applicable State and Federal Regulations.
- (2) The City will charge an annual FOG WDP fee of \$250.00 per permit, to be paid by the FSP. Fees collected for FOG WDP's shall be paid to the Health Department Food Service Fund.
- (3) FOG WDP Conditions
 - A. A FOG WDP may contain any of the following conditions or limits:
 - 1. Limits on Discharge of FOG and other Pollutants.
 - 2. Requirements for proper operation, maintenance and cleaning of FOG Control Devices.
 - 3. Requirements for implementation and on-going compliance with Best Management Practices.

4. Requirements for maintaining and submitting FOG operation and maintenance logs and records, including waste hauling records and waste Manifests.
 5. Requirements to self-monitor.
 6. Requirements for the FSP to construct, operate, and maintain, at its own expense, FOG Control Device(s) and monitoring and sampling facilities.
 7. Additional requirements, other terms and conditions as determined to be reasonably appropriate by the Director to protect the POTW or as specified by other regulatory agencies.
- (4) FOG WDP - Modification of Terms and Conditions
- A. The terms and conditions of an issued permit may be subject to modification and change by the sole determination of the Director during the life of the permit based on:
 1. The Discharger's current or anticipated operating data;
 2. The City's current or anticipated operating data;
 3. A determination by the Director that such modification is appropriate to further the objectives of this Ordinance.
 - B. The Permittee may request a modification to the terms and conditions of an issued permit. The request shall be in writing stating the requested change and the reasons for the change. The Director shall review the request, make a determination on the request, and respond in writing. The Permittee shall be informed of the acceptability of the request within thirty (30) days of receipt of the request.
 - D. The Permittee shall be informed of any change in the permit limits, conditions, or requirements at least forty-five (45) days prior to the effective date of change. Any changes or new conditions in the permit may include a Compliance Schedule at the discretion of the Director as provided for in 915.08 (d) (7).
- (5) FOG WDP - Termination
- A. An issued permit may be terminated by the Director during the life of the permit based on:
 1. The Discharger's current or anticipated operating data;
 2. The City's current or anticipated operating data;
 3. Recent compliance history of the FSP;
 4. A determination by the Director that such modification is appropriate to further the objectives of this Ordinance.
 - B. The Permittee may request termination of a FOG Discharge Wastewater Permit. The request shall be in writing stating the requested termination, and the reasons for the termination. The Director shall review the request, make a determination on the request, and respond in writing. The Permittee shall be informed of the status of the termination request within thirty (30) days of receipt of the request.
- (6) FOG WDP - Duration and Renewal
- A. FOG WDP's shall be issued for a period not to exceed five (5) years.

- B. FOG WDP's that are not renewed prior to their expiration shall remain in effect, including all of the requirements contained therein, until formal termination or renewal is issued by the Director.
- (7) FOG WDP - Compliance Schedule
- A. As part of a FOG WDP, the City may enter into a Compliance Schedule with a FSP. A Compliance Schedule may contain terms and conditions, including but not limited to, requirements for installation of a FOG Control Device(s), immediate and regular cleaning and maintenance of FOG Control Device(s), submittal of drawings or reports, submittal of waste hauling records, implementation of Best Management Practices and Waste Minimization practices, payment of fees, or other provisions to ensure compliance with this Ordinance. The Director shall not enter into a Compliance Schedule until such time as all amounts owed by the FSP to the City, including user fees, noncompliance sampling fees, and/or other amounts due are paid in full, or an agreement for deferred payment secured by collateral or a third party, is approved by the Director.
- (e) FOG Control Devices - All FSP's shall comply with the following requirements, wherever applicable:
- (1) New construction / Tenant-Finish FSP's shall include and install Grease Interceptors prior to commencing Wastewater Discharges to the POTW, unless otherwise specified by the Director.
- (2) Existing FSP's
- A. Existing FSP's without a FOG Control Device which have caused or contributed to FOG-related blockage(s) in the POTW, or which have sewer laterals connected to Chronic POTW Areas of Concern; or existing FSP's which have been determined to contribute FOG concentrations, as defined by this Ordinance, may be required by the Director to install an adequately sized FOG Control Device(s). Should a FSP not comply with the City's requirement to install a FOG Control Device(s), the Director may issue the FSP a FOG WDP which will specify Pretreatment installation requirements and a Compliance Schedule, which may include the assessment of surcharge penalties.
- B. Existing FSP's that undergo remodeling or a change in operations, defined as kitchen remodeling, seating capacity, change of menu items producing FOG and/or change of ownership shall be required to install an appropriate FOG Control Device(s).
- (3). Commercial Properties
- A. Owners of commercial properties or their official designee(s) shall provide space and plumbing segregation and the installation of a Grease Interceptor(s) for each tenant space prior to commencing Discharges to the POTW from any future FSP. Maintenance of FOG Control Devices shall be the responsibility of the FSP operator.
- (4) FOG Control Device types and installation requirements
- A. Grease Interceptor
1. Drawing Submittal Requirements - New and Tenant-finish FSP's shall be required to submit five copies of facility site plans, floor plans, mechanical and plumbing plans, and details to show all

Sewer locations and connections, FOG Control Device(s), or other pretreatment equipment and appurtenance by size, location, and elevation for City evaluation. The submittal shall be to the City's Building Services Division, in a form and content acceptable to the City for expeditious review prior to construction.

The review of the plans and procedures shall in no way relieve the FSP's of the responsibility of modifying the facilities or procedures in the future, as necessary to produce an acceptable Wastewater Discharge, and to meet the requirements of this Ordinance or any requirements of other Regulatory Agencies.

The City's Building Services Division will confer with the Director to determine the adequacy of the proposed FOG Control Device(s) and may require changes to the site plans as needed.

2. The City shall require the drawings prepared by an Ohio Registered Professional Engineer.
3. Grease Interceptor sizing and installation shall conform to the specifications of the current edition of the State of Ohio Plumbing Code, as enforced by the City's Building Service Divisions and/or the Director. The minimum volume/capacity of a Grease Interceptor shall be 1,000 gallons.
4. The Grease Interceptor shall be installed at a location where it shall be at all times easily accessible for inspection, cleaning and removal of accumulated FOG and/or solids.
5. Grease Interceptor Maintenance Requirements -The maintenance frequency for all FSP's with a Grease Interceptor shall be determined by one of the following methods as approved by the Director:
 - (i) A Grease Interceptor shall be cleaned at a frequency to meet the requirements of the FOG prohibitions as provided for in this Ordinance.
 - (ii) A Grease Interceptor shall be cleaned at the frequency as required in a FOG WDP.
6. Reporting and recordkeeping requirements related to Grease Interceptor maintenance are detailed in 915.08 (g).

B. Grease Trap - Requirements

1. New and/or existing FSP's may be required by the Director to install Grease Trap(s) in the pipe(s) leading from drains, sinks, and other fixtures or equipment where FOG concentrations are discharged to the POTW in excess of limits defined by this Ordinance.
2. Sizing and installation of Grease Traps shall conform to the current edition of the Ohio Plumbing Code, as required by the Director to meet the requirement and intent of this Ordinance.
3. Grease Trap - Maintenance Requirements
 - (i) New and existing Grease Traps shall be inspected periodically to check for leaking seams and pipes, and

- for effective operation of the baffles and flow-regulating device(s). Grease Traps and their baffles shall be maintained free of all caked-on FOG and solid waste. Removable baffles shall be removed and cleaned during the cleaning and maintenance process.
- (ii) Reporting and recordkeeping requirements related to Grease Trap maintenance as required in 915.08 (g).
- C. Oil/Water Separator – Requirements For Non-Polar FOG
1. New and/or existing commercial or industrial facilities may be required by the Director to install Oil/Water Separator (s) in the pipe(s) leading from drains, sinks, and other fixtures or equipment where FOG concentrations are discharged to the POTW in excess of limits defined by this Ordinance.
 2. Sizing and installation of Oil/Water Separator shall conform to the current edition of the Ohio Plumbing Code, as required by the Director to meet the requirement and intent of this Ordinance.
 3. Oil/Water Separator - Maintenance Requirements
 - (i) New and existing Oil/Water Separator shall be inspected periodically to check for leaking seams and pipes, and for effective operation of the baffles and flow-regulating device(s). Oil/Water Separator and their baffles shall be maintained free of all caked-on FOG and solid waste. Removable baffles shall be removed and cleaned during the cleaning and maintenance process.
 - (ii) Reporting and recordkeeping requirements related to Oil/Water Separator maintenance as required in 915.08 (g) for FSP's.
 4. All requirements such as, but not limited to, operation, cleaning, maintenance or reporting of Grease Interceptors shall apply to Oil/Water Separator as determined appropriate by the Director.
- (5) Facility Monitoring Requirements
- A. The City may require the FSP's to construct and maintain in proper operating condition, at the FSP's sole expense, constituent monitoring, metering and/or sampling facilities as approved by the Director.
 - B. FSP's shall provide immediate, clear, safe and uninterrupted access to the FSP's monitoring, metering and/or sampling facilities for the Director and/or the City's inspectors.
- (f) Inspection and Sampling Conditions
- (1) The Director and/or City inspector may inspect and/or sample, or order the inspection and sampling of any FSP to ascertain whether the intent of this Ordinance is being met and the FSP is complying with all requirements. The FSP shall allow the City access to the premises, during normal business hours, for purposes of inspecting the FSP's FOG Control Devices, reviewing the Manifests, receipts, invoices and reports relating to the cleaning, operation, maintenance and inspection associated with all FOG Control Devices.
 - (2) The Director shall have the right to inspect and copy all notices, monitoring reports, waste Manifests, and records maintained by the FSP including, but not limited to, those related to Wastewater generation and Wastewater disposal.

- (3) The Director shall have the right to order the placement on the FSP's property or other locations as determined by the Director, such facilities as are necessary to conduct sampling or metering operations. The location of these facilities shall be subject to approval by the Director. Where a FSP has security measures in force, the FSP shall make necessary arrangements so that representatives of the City shall be permitted to enter without delay for the purpose of performing their specific responsibilities for purposes of monitoring compliance as outlined in this Ordinance.
 - (4) Grab samples taken from the FSP's Discharge sample point is considered to be representative of the FSP's Discharge to the POTW.
 - (5) Right of Entry for the Director or other City representatives to the premises where Wastewater is created or Discharged shall be permitted. Reasonable access to all parts of the Wastewater generating and disposal facilities for the purposes of inspection and sampling during all times the Discharger's facility is open and operating or any other time(s) as requested by the Director. No person shall interfere with, delay, resist or refuse entrance to the Director or other City representatives attempting to inspect any facility involved directly or indirectly with a Discharge of Wastewater to the POTW.
- (g) Reporting The following monitoring, reporting and record keeping requirements shall be completed by the FSP.
- (1) The Director may require periodic reporting on the status of Best Management Practices implementation.
 - (2) The Director may require video monitoring at the sole expense of the FSP to observe the actual conditions of the FSP's Sanitary Sewer lateral and the downstream Sanitary Sewer.
 - (3) Other reports may be required, such as Compliance Schedule progress reports, FOG control monitoring reports, and all other reports deemed appropriate by the Director.
 - (4) FSP's with a FOG Control Device(s) shall submit appropriate documentation of all cleaning, pumping and/or maintenance activities to the Commissioner prior on January 31st of each year. Appropriate documentation includes, but is not limited to, operation and maintenance records, waste hauler Manifests, receipts and invoices, training records and all other reports deemed necessary by the Director.
 - (5) The FSP shall be required to keep all Manifests, receipts and invoices of all cleaning, maintenance, of/from any FOG Control Device, disposal carrier and disposal site location. The FSP shall, upon request by the Director, make these documents available for review by the Director. These records may include:
 - A. Copies of logbooks, Manifests, invoices, receipts, operation, maintenance records, cleaning activities, waste hauling activities and status of Best Management Practices associated with FOG Control Device(s)
 - B. Records of sampling data and sludge height monitoring for FOG and/or solids accumulation in FOG Control Devices.
 - C. Records of any FOG spills and/or cleaning of the sewer lateral or sewer system.
 - D. Any other information deemed appropriate by the Director or designee to ensure compliance with this Ordinance.
 - (6) The FSP or designee shall notify the City at least 90 days in advance prior to any
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facility change in operations/remodeling or process modifications that may result in new or substantially increased FOG Discharges or a change in the nature of the Discharge. FSP or Designee shall notify the Director in writing of the proposed change in operations or remodeling and shall submit any information requested by the Director for evaluation of the effect of such changes on FOG Discharge to the POTW. FSP changes may require the installation of new or additional FOG Control Devices.

- (7) All such records shall be kept by the FSP for a minimum of three (3) years.
- (h) Enforcement
- (1) The Director will determine noncompliance with the provisions of the FOG Standards of this Ordinance through visual inspections, records review, sampling, and/or monitoring.
 - (2) The Director shall follow the provisions of Section 915.51 through 915.59 for Administrative Enforcement Remedies when noncompliance of the FOG Standards is discovered with the additional following:
 - A. Notice of Violation (NOV) may be issued by the Building Services Supervisor, Commissioner and/or the Director
 - B. A written (NOV) may be issued by the City to a FSP for failure to:
 1. Properly maintain and clean FOG Control Devices, including failure to make necessary repairs.
 2. Implement Best Management Practices for FOG control.
 3. Maintain appropriate records.
 4. Submit appropriate records to the Director within five (5) business days.
 5. Comply with any other provision as defined in this Ordinance.
 - C. Upon receiving a NOV, the FSP shall have thirty (30) days to complete corrective action and submit evidence of compliance to the Director.
 - (3) Sanitary Sewer lateral blockages and SSO's caused by FSP's alone or collectively, are the responsibility of the private property owner or the FSP(s).
 - (4) SSO's, Abatement Orders and Cost Recovery (Clean-Up Costs). If the City must act to clear a FOG blockage or contain and/or clean up an SSO caused by blockage of a private sewer lateral or the POTW serving a User, or acts at the request of the property owner or operator of a FSP, the City's costs as the Director deems appropriate for such abatement shall be entirely borne by the property owner or operator of the FSP, and may constitute a debt to the City.
 - (5) The FSP shall notify the Commissioner of any known violation of FOG requirements for which the FSP is in noncompliance.
- (l) Penalty Should a User fail to meet any of the requirements of this Ordinance's FOG Standard or fail to respond to a NOV issued pursuant to the FOG Standards or fail to respond adequately, the Director may pursue one or more of the provisions of 915.60 through 915.71 and/or the Director may require that a User subject to the FOG Standards apply for and receive a FOG WDP.
(Ord. No. 2012-90. Passed 08/15/2012).

915.09 National Categorical Pretreatment Standards

Industrial Users (IU) must comply with the Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471. Industrial Users subject to these standards shall be identified as Categorical Industrial Users (CIU).

Within ninety days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any industrial user subject to categorical pretreatment standards shall submit to the control authority a report containing the information described in sections 915.23(a)(6-7) and 915.47(a) of this ordinance.

For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures in paragraph (l) of rule 3745-3-09 of the Administrative Code, this report shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.

(a) Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a Pollutant in Wastewater, the Director may impose or revoke equivalent concentration or mass limits in accordance with Section 915.09 (e) and 915.09 (f).

(b) When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of Pollutant per unit of production, the Director may convert the limits to equivalent limitations expressed either as mass of Pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual IU.

(c) When Wastewater subject to a Categorical Pretreatment Standard is mixed with Wastewater not regulated by the same Standard, Director shall impose an alternate limit in accordance with 40 CFR 403.6(e).

(d) A CIU may obtain a net/gross adjustment to a Categorical Pretreatment Standard in accordance with the following paragraphs of this Section.

- (1) Categorical Pretreatment Standards may be adjusted to reflect the presence of Pollutants in the IU's intake water in accordance with this Section. Any IU wishing to obtain credit for intake Pollutants must make application to the City. Upon request of the IU, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for Pollutants in the intake water) if the requirements of paragraph (2) of this Section are met.
- (2) Adjustment Criteria.
 - A. Either:
 1. The applicable Categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or
 2. The IU demonstrates that the control system it proposes or uses to meet applicable Categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of Pollutants in the intake waters.
 - B. Credit for conventional Pollutants, such as BOD and TSS, should not be granted unless the IU demonstrates that the constituents of the generic measure in the User's Discharge are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water Pollutants either at the outfall or elsewhere.
 - C. Credit shall be granted only to the extent necessary to meet the applicable Categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.
 - D. Credit shall be granted only if the IU demonstrates that the intake water is drawn from the same body of water as that into which the POTW Discharges. The City may waive this requirement if it finds that no environmental degradation will result.

(e) When a Categorical Pretreatment Standard is expressed only in terms of Pollutant concentrations, an IU may request that the City convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Director based on what is best for the POTW and the City's NPDES permit. The City may establish equivalent mass limits only if the IU meets all the conditions set forth in Sections 915.09 (e) (1) A. through 915.09 (e) (1) E. below.

- (1) To be eligible for equivalent mass limits, the IU must:
 - A. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its WDP;
 - B. Currently use control and treatment technologies adequate to achieve compliance with the applicable Categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
 - C. Provide sufficient information to establish the facility's actual average daily flow rate for all Wastewater streams, based on data from a continuous Discharge flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
 - D. Not have daily flow rates, production levels, or Pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
 - E. Have consistently complied with all applicable Categorical Pretreatment Standards during the period prior to the IU's request for equivalent mass limits.
- (2) A IU subject to equivalent mass limits must:
 - A. Effectively maintain and operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
 - B. Continue to record the facility's Discharge flow rates through the use of a continuous Discharge flow monitoring device;
 - C. Continue to record the facility's production rates and notify the Director whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph 915.09 (e) (1) C. of this Section. Upon notification of a revised production rate, the Director will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
 - D. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs 915.09 (e) (1) A. of this Section so long as it discharges under an equivalent mass limit.
- (3) When developing equivalent mass limits, the Director:
 - A. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the IU by the concentration-based Daily Maximum and Monthly Average Standard for the applicable Categorical Pretreatment Standard and the appropriate unit conversion factor;
 - B. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
 - C. May retain the same equivalent mass limit in subsequent WDP terms if the IU's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 915.14. The IU must also maintain compliance with the prohibition of bypass.

(f) Director may convert the mass limits of the Categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual IU's. The conversion is at the discretion of the Director.

(g) Once included in its permit, the IU must comply with the equivalent limitations developed in this Section 915.09 in lieu of the promulgated Categorical Pretreatment Standards from which the equivalent limitations were derived.

(h) Many Categorical Pretreatment Standards specify one limit for calculating Daily Maximum Discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

(i) Any IU operating under a WDP incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Director within two (2) business days after the IU has a reasonable basis to know that the production level will significantly change within the next calendar month. Any IU not notifying the Director of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

(Ord. No. 2012-90. Passed 08/15/2012).

915.10 State Pretreatment Standards

Users must at a minimum comply with OEPA Industrial Discharges to Publicly Owned Treatment Works codified at Ohio Administrative Code Chapter 3745-3 (Ord. No. 2012-90. Passed 08/15/2012).

915.11 Local Limits

(a) The Director is authorized to establish Local Limits pursuant to 40 CFR 403.5(c)

(b) **Limitations on Wastewater Discharge.** The following Pollutant limits are established to protect against Pass Through and/or Interference. No Person shall discharge Wastewater containing in excess of the following Daily Maximum Limits **except as provided for below.**

(1) **Except as provided herein, no Person shall discharge, cause or allow to be discharged into the POTW, any Pollutants which exceed the following limitations set forth in Pollutant Group A. The Director may establish more stringent limitations and/or add additional parameters with limitations as necessary to protect the POTW or the public health, safety and welfare; or to comply with other agencies having jurisdiction over Discharges from the WRF.**

Upon proper application therefore, on such forms and in accordance with such regulations and the payment of such fees as the Director shall prescribe, the Director may issue WDPs and/or temporary WDPs to each IU, which shall be valid for a period of time as the Director may allow but in any event, not to exceed five years, subject to the provisions of this Ordinance. These WDPs may allow the User to exceed the limits, for such Pollutant Group A and/or Pollutant Group B parameters at quantities allocated by the Director; provided however that no such permit shall be issued unless the Director first finds that such excess shall not cause damage to, or exceed the capacity of the City's POTW to meet the minimum standards of the Act or any other applicable law or the City's WRF NPDES Permit.

Pollutant Group A	Daily Maximum Limit (mg/L)
Ammonia-N	30
BOD ₅ (5-day Biochemical Oxygen Demand)	250
TDS (total dissolved solids)	2,500
TSS (total suspended solids)	300
P (phosphorus)	8
COD (Chemical Oxygen Demand)	500
Oil & Grease - Polar	100

(2) No person shall discharge, or allow to be discharged, into the POTW any Wastewater containing any of the Pollutants identified as Pollutant Group B in concentrations greater than those listed in the following table, unless the User has completed a BMR, and was issued a WDP with allocated limits based on the User's contribution to the POTW or the Director has authorized the Industrial User to discharge under conditions outlined in a Discharge Authorization Letter.

Pollutant Group B	Daily Maximum Limit (mg/L)
Arsenic	0.117
Cadmium	0.053
Chromium (total)	12.00
Chromium (hexavalent)	1.909
Copper	1.556
Cyanide	0.388
Lead	0.504
Nickel	1.688
Selenium	0.296
Zinc	4.393
Oil & Grease - Non-Polar	100
Mercury*	see below

***Mercury**

All User's, for the purpose of this section, are potential sources of mercury Discharge into the POTW. Mercury is a BCC as defined by this Ordinance. The City will use EPA Method 1631E for determination of mercury concentrations in User's Wastewater Discharges. When this analytical method determines to the City's satisfaction that mercury is detectable in the User's Discharge to the POTW, the User shall implement Best Management Practices (BMP's) as defined under section 915.04 of this Ordinance, which may require the User to submit and implement a BMP plan and/or Waste Minimization Plan (WMP) for mercury Discharge minimization. Any User failing to implement BMP's and WMP's to the satisfaction of the Director shall be subject to enforcement actions as defined in this Ordinance.

(c) The Director may develop Best Management Practices (BMP's) by Ordinance or in WDP's to implement Local Limits and the requirements of Section 915.07.

(d) As per 40CFR403.12 (e) and/or (h) all SIU's receiving WDPs are required to monitor for all parameters listed in Section 915.11(b) at a minimum semi-annual frequency. Reports shall be submitted to the City with the semi-annual reporting periods defined as January-June and July-December of each year with reports due within 30-days of period end or at frequencies required by the Director. Should sufficient monitoring data indicate that the listed Pollutant(s) is(are) not present (or below detectable limits) in the SIU's Wastewater Discharge, the Director may waive all (or a portion of) these testing and reporting requirements as determined appropriate.

(1) **Monitoring Waivers**

A POTW's legal authority as an approved program now allows the POTW to authorize, at its discretion, an industrial user subject to a categorical pretreatment standard, except for Centralized Waste Treatment facilities regulated by and defined in 40 C.F.R. 437, to forego sampling of a pollutant regulated by a categorical pretreatment standard.

Monitoring waivers do not apply to pollutants where there are certification processes and requirements established by the control authority or by categorical pretreatment standards (e.g. TOMP/certification alternative to total toxic organics monitoring) unless allowed for by the applicable categorical pretreatment standard.

If a waived pollutant is found to be present or is expected to be present based on changes that occur in the IU's operations, the user shall be required to immediately notify the control authority in writing and start monitoring that pollutant at the frequency specified in the POTW's pretreatment program.

The monitoring waiver applies only to IU self-monitoring and does not remove the POTW's obligations for IU monitoring for that parameter. However, the waiver can be extended to POTW monitoring done to satisfy IU self-monitoring.

In making its request for a pollutant monitoring exemption, the industrial user must demonstrate through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user.

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

Non-detectable sample results may only be used as a demonstration that a pollutant is not present if the USEPA approved analytical method from 40 C.F.R. 136 with the lowest method detection limit for that pollutant was used.

Waivers are valid only for the duration of the effective period of the IU's control mechanism but in no case longer than five years. The IU must submit a new request for the waiver before the waiver can be granted for each subsequent control mechanism.

The request for a monitoring waiver shall be signed by an authorized representative of the industrial user in accordance with paragraph (F) of rule 3745-3-06 of the Administrative Code, and it must include the certification statement in 40 C.F.R. 403.6(a)(2)(ii). This is the standard "I certify under penalty of law" statement.

The control authority shall include any monitoring waiver as a condition in the industrial user's control mechanism. This simply means that the control mechanism needs to acknowledge that a waiver has been granted for a pollutant or pollutants and provide a general justification for the waiver.

The supporting reason(s) for a monitoring waiver and the information submitted by the user in its request for the waiver shall be maintained in the industrial user's file by the control authority for three years after expiration of the waiver.

The control authority shall include any monitoring waiver as a condition in the industrial user's control mechanism. This simply means that the control mechanism needs to acknowledge that a waiver has been granted for a pollutant or pollutants and provide a general justification for the waiver.

The supporting reason(s) for a monitoring waiver and the information submitted by the user in its request for the waiver shall be maintained in the industrial user's file by the control authority for three years after expiration of the waiver.

Upon approval of the monitoring waiver and revision of the IU's control mechanism by the control authority, the IU shall certify on each self-monitoring report with the following statement:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standards under 40 C.F.R. [specify applicable national pretreatment standard part or parts], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant or pollutants] in the wastewaters due to the activities at the facility since submittal of the last periodic report under paragraph (E) of rule 3745-3-06 of the Administrative Code."

(Ord. No. 2012-90. Passed 08/15/2012).

915.12 Damage to POTW or Interruption of Normal Operations

(a) Any Person who discharges any waste which causes or contributes to any POTW blockages, SSO's, obstruction, interference, damage, or any other impairment to the City's POTW, or to the operation of those facilities shall be liable for all costs required to clean or repair the POTW together with expenses incurred by the City to resume normal operations.

(b) A surcharge of forty percent (40%) of the City's costs shall be added to the costs and charges to reimburse the City for miscellaneous overhead, including, administrative activity and record keeping. The total amount shall be payable within forty five (45) days of invoicing by the City.

(Ord. No. 2012-90. Passed 08/15/2012)

915.13 City's Right of Revision

The City reserves the right to establish, by Ordinance or in WDP's more stringent Pretreatment Standards or requirements on Discharges to the POTW consistent with the purpose(s) of this Ordinance (Ord. No. 2012-90. Passed 08/15/2012).

915.14 Dilution

No User shall ever increase the use of 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. Director may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or requirements, or in other cases when the imposition of mass limitations is appropriate (Ord. No. 2012-90. Passed 08/15/2012).

915.15 Pretreatment Facilities

Users shall provide Wastewater pre-treatment as necessary to comply with this Ordinance and shall achieve compliance with all Categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 915.07 of this Ordinance within the time limitations specified by EPA, the State, or the Director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Director for review, and shall be acceptable to the Director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a Discharge acceptable to the City under the provisions of this Ordinance (Ord. No. 2012-90. Passed 08/15/2012).

915.16 Additional Pretreatment Measures

(a) Whenever deemed necessary, Director may require Users to restrict their Discharge during peak flow periods to the POTW, designate that certain Wastewater be Discharged only into specific Sewers, relocate and/or consolidate points of Discharge, separate Domestic Sewage waste streams from Non-Domestic Sewage waste streams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this Ordinance.

(b) The Director may require any Person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow Discharge into the POTW. A WDP may be issued solely for the purpose of flow equalization.

(c) FOG Control Devices and/or solids interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of Wastewater containing excessive amounts of FOG or solids. All FOG Control Devices shall be of a type and capacity approved by Director, shall comply with Section 915.08 of this Ordinance, and shall be so located to be easily accessible for cleaning and inspection. Such FOG Control Devices shall be inspected, cleaned, and repaired in accordance with Section 915.08 of this Ordinance by the User at their expense.

(d) Users with the potential to Discharge flammable substances to the POTW may be required to install and maintain an approved combustible gas detection meter(s).

(Ord. No. 2012-90. Passed 08/15/2012).

915.17 Accidental Discharge/Slug Discharge Control Plans

The Director shall evaluate whether a SIU needs an accidental Discharge/Slug Discharge control plan or other action to control Slug Discharges. **The Director shall evaluate the need for a plan, device or structure to control a potential slug discharge at least once during the term of each significant industrial user's control mechanism. Additional significant industrial users shall be evaluated within one year of being identified a significant industrial user.** The Director may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the Director may develop such a plan for any User. An accidental Discharge/Slug Discharge control plan shall address, at a minimum, the following:

(a) Description of Discharge practices, including non-routine batch Discharges;

(b) Description of stored chemicals that have the potential of entering the POTW;

(c) Procedures for immediately notifying the Director of any accidental or Slug Discharge, as required by Section 915.39 of this Ordinance; and

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

(Ord. No. 2012-90. Passed 08/15/2012).

915.18 Hauled Wastewater

(a) Holding Tank Wastewater may be discharged into the POTW at the discretion of the Director, only at locations designated by the Director, and at such times as are established by the Director. Such Wastewater shall not violate Section 915.07 through 915.14 of this Ordinance or any other requirements established by the City. The Director shall require Holding Tank Wastewater haulers to obtain WDP's.

(b) The Director shall require haulers of industrial Wastewater to obtain WDP's. The Director may require generators of hauled industrial Wastewater to obtain WDP's. The Director also may prohibit the disposal of hauled industrial Wastewater. The Discharge of hauled industrial Wastewater is subject to all other requirements of this Ordinance.

(c) Industrial Wastewater haulers may Discharge loads only at locations designated by the Director. No Wastewater load may be Discharged without prior consent of the Director. The Director may collect samples of each hauled load to ensure compliance with applicable Standards and in such event that the Director requires collection of samples all costs for sample collection and analysis shall be paid by the hauler. The Director may require the industrial Wastewater hauler to provide a Director approved laboratory analysis of any load prior to Discharge.

(d) Industrial Wastewater haulers must provide a Wastewater tracking form for every load discharged to the POTW. This form shall include, at a minimum, the name and address of the industrial Wastewater hauler, permit number, truck identification, names and addresses of sources of the Wastewater, volume and characteristics of Wastewater. The form shall identify the type of industry, known or suspected Wastewater constituents, and whether any Wastewater constituents are subject to the Resource Conservation and Recovery Act regulating hazardous wastes.

(Ord. No. 2012-90. Passed 08/15/2012).

915.19 WDP - Wastewater Analysis

When requested by the Director, a User must submit information on the nature and characteristics of its Wastewater within thirty (30) days of the request. The Director is authorized to prepare a form for this purpose and may periodically require Users to update this information (Ord. No. 2012-90. Passed 08/15/2012).

915.20 WDP - Requirement

(a) No SIU shall Discharge Wastewater into the POTW without first obtaining an WDP from the Director, except that a SIU that has filed a timely application pursuant to Section 915.21 of this Ordinance may continue to Discharge for the time period specified therein.

(b) The Director may require other Users to obtain WDP's as necessary to carry out the purposes of this Ordinance.

(c) Any violation of the terms and conditions of an WDP shall be deemed a violation of this Ordinance and subjects the Wastewater Discharge Permittee to the sanctions set out in Sections 915.52 through 915.71 of this Ordinance. Obtaining an WDP does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or requirements or with any other requirements of Federal, State, and local law.

(Ord. No. 2012-90. Passed 08/15/2012).

915.21 WDP - Existing Connections

Any User required to obtain an WDP who was discharging Wastewater into the POTW prior to the effective date of this Ordinance and who wishes to continue such Discharges in the future, shall, within thirty (30) days after the effective date of this Ordinance, apply to the Director for an WDP in accordance with Section 915.23 of this Ordinance, and shall not cause or allow Discharges to the POTW to continue after ninety (90) days of the effective date of this Ordinance except in accordance with an WDP issued by the Director (Ord. No. 2012-90. Passed 08/15/2012).

915.22 WDP - New Connections

Any User required to obtain a WDP who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such Discharge. An application for this WDP, in accordance with Section 915.23 of this Ordinance, must be filed at least ninety (90) days prior to the date upon which any Discharge will begin or recommence (Ord. No. 2012-90. Passed 08/15/2012).

915.23 WDP - Application Contents

(a) All Users required to obtain an WDP must submit a permit application. The Director may require Users to submit all or some of the following information as part of a permit application:

- (1) Identifying Information.
 - A. The name and address of the facility, including the name of the operator and owner.
 - B. User contact information, description of activities, facilities, and plant production processes on the premises;
- (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
- (3) Description of Operations.
 - A. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of Discharge to the POTW from the regulated processes.
 - B. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, Discharged to the POTW;
 - C. Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - D. Type and amount of raw materials processed (average and maximum per day);
 - E. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of Discharge to the POTW;
- (4) Time and duration of Discharges to the POTW;
- (5) The location for monitoring all Wastewater Discharges covered by the permit;
- (6) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in Section 915.09 (c) (40 CFR 403.6(e)).
- (7) Measurement of Pollutants.
 - A. The Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
 - B. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Director, of regulated Pollutants in the Discharge from each regulated process.

- C. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
 - D. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 915.43 of this Ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Director or the applicable Pretreatment Standards to determine compliance with the Pretreatment Standards **when submitting baseline or periodic compliance reports.**
 - E. Sampling must be performed in accordance with procedures set out in Section 915.43 of this Ordinance.
- (8) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a Pollutant neither present nor expected to be present in the Discharge based on Section 915.37 [40 CFR 403.12(e)(2)].
 - (9) Any other information as may be deemed necessary by the Director to evaluate the permit application.
 - (b) Incomplete or inaccurate applications will not be processed and will be returned to the User for revision. This regulation shall not be used to circumvent the intended purpose of the time frame identified in Section 915.21 of this Ordinance.
(Ord. No. 2012-90. Passed 08/15/2012).

915.24 Application Signatories and Certifications

- (a) All WDP applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 915.47 (a).
- (b) If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Director prior to or together with any reports to be signed by an Authorized Representative.
- (c) A facility determined to be a Non-Significant Categorical Industrial User by the Director pursuant to 915.04 (87) A. 3. (iii) must annually submit the signed certification statement in Section 915.47 (b).
(Ord. No. 2012-90. Passed 08/15/2012).

915.25 WDP - Decisions

The Director will evaluate the data furnished by the User and may require additional information. Within thirty (30) days of receipt of a complete permit application, the Director will determine whether to issue an WDP. The Director may deny any application for a WDP for good cause (Ord. No. 2012-90. Passed 08/15/2012).

915.26 WDP - Issuance Duration

A WDP shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An WDP may be issued for a period less than five (5) years, at the discretion of the Director for good cause shown. Each WDP will indicate a specific date upon which it will become active and a specific date on which it will expire (Ord. No. 2012-90. Passed 08/15/2012).

915.27 WDP - Contents

(a) An WDP shall include such conditions as are deemed reasonably necessary by the Director to prevent Pass Through or Interference of the POTW, protect the quality of the water body receiving the WRF's effluent, protect worker health and safety, facilitate Bio-solids management and disposal/reuse, and protect against damage to the POTW.

(b) WDP's must contain:

- (1) A statement that indicates the WDP issuance date, expiration date and effective date;
- (2) A statement that the WDP is nontransferable without prior notification to the City in accordance with Section 915.30 of this Ordinance, and provisions for furnishing the new owner or operator with a copy of the existing WDP;
- (3) Discharge limits, including Best Management Practices, based on applicable Pretreatment Standards;
- (4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of Pollutants or BMP(s) to be monitored, sampling location(s), sampling frequency, and sample type(s) based on Federal, State, and local law.
- (5) The process for seeking a waiver from monitoring for a Pollutant neither present nor expected to be present in the Discharge in accordance with Section 915.37 (b).
- (6) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable Compliance Schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- (7) Requirements to control Slug Discharge, if determined by the Director to be necessary.
- (8) Any grant of the monitoring waiver by the Director (Section 915.37 (b)) must be included as a condition in the User's permit or other control mechanism.

(c) WDP's may contain, but need not be limited to, the following conditions:

- (1) Limits on the average and/or maximum rate of Discharge, time of Discharge, and/or requirements for flow regulation and equalization;
- (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of Pollutants into the POTW;
- (3) Requirements for the development and implementation of a Spill Prevention and Control Plan or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine Discharges;
- (4) Development and implementation of Waste Minimization Plans to reduce the amount of Pollutants discharged to the POTW;
- (5) The unit charge or schedule of User charges and fees for the management of the Wastewater Discharged to the POTW;
- (6) Requirements for the installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices. Sampling facilities structure(s) provided at the User's expense for the City or User to measure and record Wastewater flow, constituent mass and/or concentrations, to collect a representative sample, or to provide access to plug or terminate the Discharge;

- (7) A statement that compliance with the WDP does not relieve the permittee of responsibility for compliance with all applicable federal and state Pretreatment Standards, including those which become effective during the term of the WDP; and
- (8) Other conditions as deemed appropriate by the Director to ensure compliance with this Ordinance, and State and Federal laws, rules, and regulations.

(Ord. No. 2012-90. Passed 08/15/2012).

915.28 WDP - Issuance Process

(a) **Public Notification.** The Director will publish in an official government publication and/or newspaper(s) of general circulation from within Portage County that provides meaningful public notice with the jurisdiction(s) served by the POTW, or on a Web page, a notice to issue a WDP, at least twenty (20) days prior to issuance. The notice will indicate a location where the draft permit may be reviewed and an address where written comments may be submitted.

(b) **Permit Appeals.** The Director shall provide public notice of the issuance of a WDP. Any Person, including the User, may petition the Director to reconsider the terms of an WDP within twenty (20) days of notice of its issuance.

- (1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal
- (2) In its petition, the appealing party must indicate the WDP provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the WDP.
- (3) The effectiveness of the WDP shall not be stayed pending the appeal.
- (4) If the Director fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions of the Director responding to an appeal shall be considered final administrative actions for purposes of judicial review.
- (5) Aggrieved parties seeking judicial review of the final administrative WDP decision must do so by filing a complaint with the Portage County, Ohio Common Pleas Court within thirty (30) days of receiving the decision.

(Ord. No. 2012-90. Passed 08/15/2012).

915.29 WDP - Modification

(a) The Director may modify an WDP for good cause, including, but not limited to, the following reasons:

- (1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or requirements;
- (2) To address significant alterations or additions to the User's operation, processes, or Wastewater volume or characteristics since the time of the WDP issuance;
- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized Discharge;
- (4) Information indicating that the permitted Discharge poses a threat to the City's POTW, City personnel, the receiving waters, or Bio-solids reuse options;
- (5) Violation of any terms or conditions of the WDP;
- (6) Misrepresentations or failure to fully disclose all relevant facts in the WDP application or in any required reporting;
- (7) Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR 403.13;

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- (8) To correct typographical or other errors in the WDP; or
- (9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 915.30

(Ord. No. 2012-90. Passed 08/15/2012).

915.30 WDP - Transfer

WDP's may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Director and the Director approves the WDP coverage transfer. The notice to the Director must include a written certification by the new owner or operator which:

- (a) States that the new owner and/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, identifies the new owner by name, address and User contact information; and
- (c) Acknowledges full responsibility for complying with the existing WDP.

Failure to provide advance notice of a transfer renders the WDP void as of the date of facility transfer.

(Ord. No. 2012-90. Passed 08/15/2012).

915.31 WDP - Revocation

(a) The Director may revoke an WDP for good cause, including, but not limited to, the following reasons:

- (1) Failure to notify the Director of significant changes to the Wastewater Discharge characteristics prior to the changed Discharge;
- (2) Failure to provide prior notification to the Director of changed conditions pursuant to Section 915.38 of this Ordinance;
- (3) Misrepresentation or failure to fully disclose all relevant facts in the WDP application;
- (4) Falsifying self-monitoring reports and certification statements;
- (5) Tampering with monitoring equipment;
- (6) Refusing to allow the Director timely access to the facility premises and records;
- (7) Failure to meet effluent Pollutant Discharge 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 WDP application;
- (12) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (13) Violation of any Pretreatment Standard(s) or requirement(s), or any terms of the WDP or this Ordinance.

(b) WDP's shall be voidable upon cessation of operations or transfer of business ownership. All WDP's issued to a User are void upon the issuance of a new WDP to that User.

(Ord. No. 2012-90. Passed 08/15/2012).

915.32 WDP - Reissuance

A User with an expiring WDP shall apply for WDP re-issuance by submitting a complete permit application, in accordance with Section 915.23 of this Ordinance, a minimum of thirty (30) days prior to the expiration of the User's existing WDP (Ord. No. 2012-90. Passed 08/15/2012).

915.33 Regulation of Waste Received from Other Jurisdictions

(a) If another municipality, or User located within another municipality, contributes Wastewater to the POTW, the Director shall enter into an inter-municipal agreement with the contributing municipality.

(b) Prior to entering into an agreement required by paragraph (a), above, the Director shall request the following information from the contributing municipality:

- (1) A description of the quality and volume of Wastewater Discharged to the POTW by the contributing municipality;
- (2) An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
- (3) Such other information as the Director may deem necessary.

(c) An inter-municipal agreement, as required by paragraph (a), above, shall contain the following conditions:

- (1) A requirement for the contributing municipality to adopt a Sewer Use Ordinance which is at least as stringent as this Ordinance and Local Limits, including required BMRs which are at least as stringent as those set out in Section 915.12 of this Ordinance. The requirement shall specify that such Ordinance and Local Limits must be revised as necessary to reflect changes made to the City's Ordinance or Local Limits;
- (2) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
- (3) A provision specifying which Pretreatment implementation activities, including WDP issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Director; and which of these activities will be conducted jointly by the contributing municipality and the Director;
- (4) A requirement for the contributing municipality to provide the Director with access to all information that the contributing municipality obtains as part of its Pretreatment activities;
- (5) Limits on the nature, quality, and volume of the contributing municipality's Wastewater Discharge at the point where it Discharges to the POTW;
- (6) Requirements for monitoring the contributing municipality's Discharge;
- (7) A provision ensuring the Director access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Director; and
- (8) A provision specifying remedies available for breach of the terms of the inter-municipal agreement.

(Ord. No. 2012-90. Passed 08/15/2012).

915.34 Reporting Requirements - Baseline Monitoring Reports

(a) Within either one hundred eighty (180) days after the effective date of a Categorical 2012 Replacement

Pretreatment Standard, or the final administrative decision on a categorical determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Director a report, in a format provided by the Director, which contains the information listed in subsection (b), below. At least ninety (90) days prior to commencement of their Discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable Categorical Standard, shall submit to the Director a report which contains the information listed in subsection (b), below. A New Source shall report the method of Pretreatment it intends to use to meet applicable Categorical Standards. A New Source shall also give estimates of its anticipated flow volume and quantity of each Pollutant to be Discharged to the POTW.

- (b) Users described above shall submit the information set forth below.
- (1) All information required in Section 915.23 (a) (1) A., 915.23 (a) (2), 915.23 (a) (3) A. and 915.23 (a) (6)
 - (2) Measurement of Pollutants.
 - A. The User shall provide the information required in Section 915.23 (a) (7) A. through E.
 - B. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
 - C. Samples should be taken immediately downstream from Pretreatment facilities if such exist or immediately downstream from the regulated process if no Pretreatment exists. If other Wastewaters are mixed with the regulated Wastewater prior to Pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
 - D. Sampling and analysis shall be performed in accordance with Section 915.43;
 - E. The Director may allow the submission of a BMR which utilizes only historical data so long as the data provides information sufficient to determine the need for Pretreatment measures;
 - F. The BMR shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected Pollutant Discharges to the POTW.
 - (3) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 915.04 (4) and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional Pretreatment measures are is required to meet the Pretreatment Standards and requirements.
 - (4) Compliance Schedule. If additional Pretreatment and/or operation and maintenance (O&M) will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional Pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A Compliance Schedule pursuant to this Section must meet the requirements set out in Section 915.35 of this Ordinance.

- (5) Signature and Report Certification. All BMR must be certified in accordance with Section 915.47 (a) of this Ordinance and signed by an Authorized Representative as defined in Section 915.04 (4).

(Ord. No. 2012-90. Passed 08/15/2012).

915.35 Reporting Requirements - Compliance Schedule Progress Reports

The following conditions shall apply to the Compliance Schedule required by Section 915.34 (b) (4) of this Ordinance:

(a) The Compliance Schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(b) No Compliance Schedule shall exceed a period of time as approved by the Director.

(c) The User shall submit a progress report to the Director no later than fourteen (14) days following each date indicated in the Compliance Schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established Compliance Schedule; and

(d) In no event shall more than three (3) months elapse between such progress reports to the Director.

(Ord. No. 2012-90. Passed 08/15/2012).

915.36 Reporting Requirements - Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of Wastewater into the POTW, any User subject to such Pretreatment Standards and requirements shall submit to the Director a report containing the information described in Section 915.23 (a) (6) and 915.23 (a) (7) and 915.34 (b) (2) of this Ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 915.09, this report shall contain a reasonable measure of the User's long term production rate. For all other Users subject to Categorical Pretreatment Standards expressed in terms of allowable Pollutant Discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 915.47 (b) of this Ordinance. All sampling will be done in conformance with Section 915.44 (Ord. No. 2012-90. Passed 08/15/2012).

915.37 Reporting Requirements - Periodic Compliance Reports

(a) Except as specified in Section 915.37 (c), all Significant Industrial Users must, at a frequency determined by the Director submit no less than twice per year, June 1st and December 1st, reports indicating the nature, concentration of Pollutants in the Discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or Waste Minimization Plan alternative, the User must submit documentation required by the Director or the Pretreatment Standard necessary to determine the compliance status of the User.

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

- (1) The waiver may be authorized where a Pollutant is determined to be present solely due to Domestic Sewage discharged from the facility provided that the Domestic Sewage is not regulated by an applicable Categorical Standard and otherwise includes no process Wastewater.
 - (2) The monitoring waiver is valid only for the duration of the effective period of the WDP, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent WDP. See Section 915.23 (a) (8).
 - (3) In making a demonstration that a Pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process Wastewater prior to any treatment present at the facility that is representative of all Wastewater Discharges from all processes.
 - (4) The request for a monitoring waiver must be signed in accordance with Section 915.04 (a) (4), and include the certification statement in 915.47 (a) (40 CFR 403.6(a)(2)(ii)).
 - (5) Non-detectable sample results may be used only as a demonstration that a Pollutant is not present, if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that Pollutant was used in the analysis.
 - (6) Any grant of the monitoring waiver by the Director must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Director for 3 years after expiration of the waiver.
 - (7) Upon approval of the monitoring waiver and revision of the User's permit by the Director, the Industrial User must certify on each report with the statement in Section 915.47 (c), that there has been no increase in the Pollutant in its waste stream due to activities of the Industrial User.
 - (8) In the event that a waived Pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of Section 915.37 (a), or other more frequent monitoring requirements imposed by the Director, and notify the Director.
 - (9) This provision does not supersede certification processes and requirements established in Categorical Pretreatment Standards, except as otherwise specified in the Categorical Pretreatment Standard.
- (c) The City may reduce the requirement for periodic compliance reports to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the USEPA/Ohio EPA, where the Industrial User's total categorical Wastewater flow does not exceed any of the following:
- (1) Five hundred (500) gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the Industrial User Discharges in batches;
 - (2) One (1.0) lb. per day of organic Discharge; and
 - (3) Maximum allowable Discharge loading for any Pollutant regulated by the applicable Categorical Pretreatment Standard for which approved Local Limits

were developed in accordance with Section 915.12 of this Ordinance and are either non detectable or below limits as set forth in table below:

Parameter	Limit	Units
Arsenic	0.0005	mg/L
Cadmium	0.0002	mg/L
Chromium (total)	0.0500	mg/L
Chromium (hexavalent)	0.0080	mg/L
Copper	0.0065	mg/L
Cyanide	0.0016	mg/L
Lead	0.0021	mg/L
Nickel	0.0070	mg/L
Selenium	0.0012	mg/L
Zinc	0.0183	mg/L

Reduced reporting is not available to Industrial Users that have in the last two (2) years been in Significant Noncompliance, as defined in Section 915.51 of this Ordinance. In addition, reduced reporting is not available to an Industrial User with daily flow rates, production levels, or Pollutant levels that vary so significantly that, in the opinion of the Director, decreasing the reporting requirement for this Industrial User would result in data that is not representative of conditions occurring during the reporting period.

(d) All periodic compliance reports must be signed and certified in accordance with Section 915.47 (a) of this Ordinance.

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

(f) If a User subject to the reporting requirement in this section monitors any regulated Pollutant at the appropriate sampling location more frequently than required by the Director, using the procedures prescribed in Section 915.44 of this Ordinance, the results of this monitoring shall be included in the report.

(g) Users that send electronic (digital) documents to the City to satisfy the requirements of this Section, periodic compliance reports, must follow up electronic submittals with transmittal of information in writing to the Director. The Director shall accept periodic compliance reports, in electronic format without violation of time requirements so long as the sender transmits the required document within five (5) business days in written format. All other correspondence with the City specific to requirements of this Ordinance shall be in written format.

(Ord. No. 2012-90. Passed 08/15/2012).

915.38 Reporting Requirements - Reports of Changed Conditions

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

(a) The Director may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a WDP application under Section 915.23 of this Ordinance.

(b) The Director may issue an WDP under Section 915.32 of this Ordinance or modify an existing WDP under Section 915.29 of this Ordinance in response to changed conditions or anticipated changed conditions.

(Ord. No. 2012-90. Passed 08/15/2012).

915.39 Reporting Requirements - Reports of Potential Problems

(a) In the case of any Discharge, including, but not limited to, accidental Discharges, Discharges of a non-routine, episodic nature, a non-customary batch Discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Director of the incident. This notification shall include the location of the Discharge, type of Pollutant(s), concentration and volume, if known, and corrective actions taken by the User.

(b) Within five (5) days following such Discharge, the User shall, unless waived by the Director in writing, submit a detailed written report describing the cause(s) of the Discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this Ordinance.

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

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

(Ord. No. 2012-90. Passed 08/15/2012).

915.40 Reporting Requirements - Reports from Unpermitted Users

All Users not required to obtain an WDP shall provide appropriate reports to the Director as the Director may require (Ord. No. 2012-90. Passed 08/15/2012).

915.41 Reporting Requirements - Notice of Violation / Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User must notify the Director within twenty four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within thirty (30) days after becoming aware of the violation. Re-sampling by the Industrial User is not required if the City performs sampling at the User's facility at least once a month, or if the City performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the City receives the results of this sampling, or if the City has performed the sampling and analysis in lieu of the Industrial User (Ord. No. 2012-90. Passed 08/15/2012). **If a violation is detected through sampling and analysis conducted by the control authority in lieu of the IU, the control authority shall perform the repeat sampling and analysis within thirty days of becoming aware of the violation unless it notifies the User of the violation and requires the User to perform the repeat sampling and analysis.**

915.42 Notification of the Discharge of Hazardous Waste

(a) Any User who commences the Discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, 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. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of Discharge (continuous, batch, or other). If the User Discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is

known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream Discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be Discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the Discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste Discharged. However, notifications of changed conditions must be submitted under Section 915.38 of this Ordinance. The notification requirement in this Section does not apply to Pollutants already reported by Users subject to Categorical Pretreatment Standards under the self monitoring requirements of Sections 915.34, 915.36, and 915.37 of this Ordinance.

(b) Dischargers are exempt from the requirements of paragraph (a), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). A Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one time notification, to the Director immediately by telephone followed in writing within 5-days per Section 915.39. Subsequent months require reporting only to the Director.

(c) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Director, the EPA Regional Waste Management Waste Division Director and State hazardous waste authorities of the Discharge of such substance within ninety (90) days of the effective date of such regulations.

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

(e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Ordinance, a permit issued thereunder, or any applicable Federal or State law. (Ord. No. 2012-90. Passed 08/15/2012).

915.43 Analytical Requirements

All Pollutant analyses, including sampling techniques, to be submitted as part of a WDP application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the Pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the Pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Director or other parties approved by EPA (Ord. No. 2012-90. Passed 08/15/2012).

915.44 Sample Collection

Samples collected to satisfy Reporting Requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(a) Except as indicated in Section (b) and (c) below, the User must collect Wastewater Discharge samples using 24-hour flow proportional Composite Sample techniques, unless a time proportional Composite Sample or Grab Sample is authorized by the Director or specified in a WDP. Where a time proportional Composite Sample or Grab Sample is authorized by the Director, the sample(s) must be representative of the Discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple Grab Samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and Non Polar FOG, the samples

may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City in writing, as appropriate. In addition, Grab Samples may be required to show compliance with Instantaneous Limits.

(b) Samples for Non Polar FOG, temperature, pH, cyanide, total phenols, sulfides, **dissolved hexavalent chromium**, and volatile organic compounds must be obtained using Grab Sample techniques.

(c) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 915.34 and 915.36, a minimum of four (4) Grab Samples must be used for pH, cyanide, total phenols, Polar and Non Polar FOG, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Director may authorize a lower minimum. For the reports required by Section 915.37 (40 CFR 403.12 (e) and 403.12 (h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by the User with applicable Pretreatment Standards and Requirements.

(Ord. No. 2012-90. Passed 08/15/2012).

915.45 Reports – Date of Receipt of Reports

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern (Ord. No. 2012-90. Passed 08/15/2012).

915.46 Recordkeeping

Users subject to the Reporting Requirements of this Ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with BMP's established under Section 915.12 (c). Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the sample(s); the dates analysis were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the Director (Ord. No. 2012-90. Passed 08/15/2012).

915.47 Certification Statements

(a) Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 915.24; Users submitting BMR under Section 915.34 (b) (5); Users submitting reports on compliance with the Categorical Pretreatment Standard deadlines under Section 915.36; Users submitting periodic compliance reports required by Section 915.37 (a) to (d), and Users submitting an initial request to forego sampling of a Pollutant on the basis of Section 915.37 (b). The following certification statement must be signed by an Authorized Representative as defined in Section 915.04 (4):

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

(b) Annual Certification for Non-Significant Categorical Industrial Users—A facility determined to be a Non-Significant Categorical Industrial User by the Director pursuant to 915.04 (87) and 915.24 (c) must annually submit the following certification statement signed in accordance with the signatory requirements in 915.04 (4). This certification must accompany an alternative report required by the Director:

Based on my inquiry of the person or persons directly responsible for managing compliance with the Categorical Pretreatment Standards under 40 CFR _____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

- (1) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in 915.04 (87);
- (2) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and
- (3) The facility never Discharged more than 100 gallons of total categorical Wastewater on any given day during this reporting period.

This compliance certification is based on the following information.

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- (4) Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on Section 915.37 (b) must certify on each report with the following statement that there has been no increase in the Pollutant in its waste stream due to activities of the User.

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list Pollutant(s)] in the Wastewaters due to the activities at the facility since filing of the last periodic report under the City of Kent Codified Ordinance Section 915.37 (a).

(Ord. No. 2012-90. Passed 08/15/2012).

915.48 Compliance Monitoring - Right of Entry, Inspection and Sampling

The Director shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this Ordinance and any WDP or order issued hereunder. Users shall allow the Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

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

(b) The Director shall have the right to set up on the User's property, or require installation of,

such devices as are necessary to conduct sampling and/or metering of the User's operations.

(c) The Director may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure Wastewater flow and quality shall be calibrated at a minimum of once every six (6) months and at any time the device's accuracy is questioned by the Director, **calibrations reports shall be submitted to the Director within 30-days.**

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

(e) Unreasonable delays in allowing the Director access to the User's premises shall be a violation of this Ordinance.

(Ord. No. 2012-90. Passed 08/15/2012).

915.49 Compliance Monitoring - Supplemental Enforcement Action Warrants

If the Director has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this Ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Director may seek issuance of a Supplemental Enforcement Action warrant from the Portage County, Ohio Common Pleas Court (Ord. No. 2012-90. Passed 08/15/2012).

915.50 Confidential Information

Information and data on a User obtained from reports, surveys, WDP applications, WDP's and monitoring programs, and from the Director's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or Pretreatment program, and in enforcement proceedings involving the Person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction (Ord. No. 2012-90. Passed 08/15/2012).

915.51 Publication of Users in Significant Noncompliance

As per 40 CFR 403.8(f)(2)(viii)(a-h) the Director shall publish annually, in a newspaper of general circulation in Portage County Ohio that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (c), (d) or (h) of this Section) and shall mean:

(a) Chronic violations of Wastewater Discharge limits, defined here as those in which sixty six percent (66%) or more of all the measurements taken for the same Pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or requirement, including Instantaneous Limits as defined in Section 915.07 through 915.14 **shall be applicable to any permitted monitoring point for a SIU;**

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty three percent (33%) or more of Wastewater measurements taken for each Pollutant parameter during a six (6)

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month period equals or exceeds the product of the numeric Pretreatment Standard or requirement including Instantaneous Limits, as defined by Section 915.07 through 915.14 multiplied by the applicable criteria (1.4 for BOD, TSS, FOG and 1.2 for all other Pollutants except pH) **shall be applicable to any permitted monitoring point for a SIU;**

(c) Any other violation of a Pretreatment Standard or requirement as defined by Section 915.07 through 915.14 (Daily Maximum, long term average, Instantaneous Limit, or narrative standard) that the Director determines has caused, alone or in combination with other Discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

(d) Any Discharge of a Pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Director's exercise of his/her emergency authority to halt or prevent such a Discharge;

(e) Failure to meet, within ninety (90) days of the scheduled date, a Compliance Schedule milestone contained in an WDP or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide within forty five (45) days after the due date, any required reports, including BMR, reports on compliance with Categorical Pretreatment Standard deadlines, periodic self monitoring reports, and reports on the status of Compliance Schedules;

(g) Failure to accurately report noncompliance; or

(h) Any other violation(s), which may include a violation of BMP's or WMP's, which the Director determines will adversely affect the operation of the POTW and/or implementation of the local Pretreatment program.

(Ord. No. 2012-90. Passed 08/15/2012).

915.52 Administrative Enforcement Remedies - Notice of Violation

When the Director finds that a User has violated, or continues to violate, any provision of this Ordinance, an WDP, Temporary WDP or order issued hereunder, or any other Pretreatment Standard or requirement, the Director may serve upon that User a written Notice of Violation. Within five (5) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Director. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

(Ord. No. 2012-90. Passed 08/15/2012).

915.53 Administrative Enforcement Remedies - Consent Orders

The Director may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 915.55 and 915.56 of this Ordinance and shall be judicially enforceable (Ord. No. 2012-90. Passed 08/15/2012).

915.54 Administrative Enforcement Remedies - Show Cause Hearing

The Director may order a User which has violated, or continues to violate, any provision of this Ordinance, an WDP or Temporary WDP or order issued hereunder, or any other Pretreatment Standard or requirement, to appear before the Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the 2012 Replacement

proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least twenty (20) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 915.04 (4) and required by Section 915.24 (a). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User (Ord. No. 2012-90. Passed 08/15/2012).

915.55 Administrative Enforcement Remedies - Compliance Orders

When the Director finds that a User has violated, or continues to violate, any provision of this Ordinance, an WDP, Temporary WDP or order issued hereunder, or any other Pretreatment Standard or requirement, the Director may issue an order to the User responsible for the Discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service and/or water service may be discontinued, as determined by the Director, unless adequate Pretreatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self monitoring and Best Management Practices designed to minimize the amount of Pollutants Discharged to the POTW. A compliance order may not extend past the deadline for compliance established for a Pretreatment Standard or requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User (Ord. No. 2012-90. Passed 08/15/2012).

915.56 Administrative Enforcement Remedies - Cease and Desist Orders

When the Director finds that a User has violated, or continues to violate, any provision of this Ordinance, an WDP, Temporary WDP or order issued hereunder, or any other Pretreatment Standard or requirement, or that the User's past violations are likely to recur, the Director may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- (a) Immediately comply with all requirements; and
 - (b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the Discharge.
- Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

(Ord. No. 2012-90. Passed 08/15/2012).

915.57 Administrative Enforcement Remedies - Fines

(a) When the Director finds that a User has violated, or continues to violate, any provision of this Ordinance, a WDP, Temporary WDP or order issued hereunder, or any other Pretreatment Standard or requirement, the Director may fine such User in an amount not to exceed one thousand dollars (\$1,000) per day. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average Discharge limits, fines shall be assessed for each day during the period of violation.

(b) Unpaid charges, fines, and penalties shall, after forty five (45) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of one percent (1%) per month. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.

(c) Users desiring to dispute such fines must file a written request for the Director to reconsider the fine along with full payment of the fine amount within forty five (45) days of being notified of the fine. Where a request has merit, the Director may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

(d) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

(Ord. No. 2012-90. Passed 08/15/2012).

915.58 Administrative Enforcement Remedies - Emergency Suspensions

The Director may immediately suspend a User's Discharge after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened Discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the proper operation of the POTW and/or health or welfare of persons and/or the environment. The Director may also immediately suspend a User's Discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

(a) Any User notified of a suspension of its Discharge shall immediately stop or eliminate its Discharge. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Director may take such steps as deemed necessary, including immediate severance of the Sewer connection and/or water service, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director may allow the User to recommence its Discharge when the User has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings in Section 915.59 of this Ordinance are initiated against the User.

(b) A User that is responsible, in whole or in part, for any Discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence(s), to the Director prior to the date of any show cause or termination hearing under Sections 915.54 or 915.59 of this Ordinance.

Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

(Ord. No. 2012-90. Passed 08/15/2012).

915.59 Administrative Enforcement Remedies - Termination of Discharge

(a) In addition to the provisions in Section 915.31 of this Ordinance, any User who violates the following conditions is subject to Discharge termination:

- (1) Violation or conditions of WDP, Temporary WDP or order issued by the Director;
- (2) Failure to accurately report the Wastewater flow volume, constituents and characteristics of its Discharge;
- (3) Failure to report significant changes in operations or Wastewater flow volume, constituents, and characteristics prior to Discharge;
- (4) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- (5) Violation of the Pretreatment Standards in Section 915.07 through 915.14 of this Ordinance.

(b) Such User will be notified of the proposed termination of its Discharge and be offered an opportunity to show cause under Section 915.54 of this Ordinance why the proposed action should not be taken. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the User.

(Ord. No. 2012-90. Passed 08/15/2012).

915.60 Judicial Enforcement Remedies - Injunctive Relief

When the Director finds that a User has violated, or continues to violate, any provision of this Ordinance, an WDP, Temporary WDP or order issued hereunder, or any other Pretreatment Standard or requirement, the Director may petition the appropriate Court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the WDP, order, or other requirement imposed by this Ordinance on activities of the User. The Director may also seek such other action as is appropriate for legal and/or equitable relief, including but not limited to a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User (Ord. No. 2012-90. Passed 08/15/2012).

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915.61 Judicial Enforcement Remedies - Civil Penalties

(a) A User who has violated, or continues to violate, any provision of this Ordinance, an WDP, Temporary WDP or order issued hereunder, or any other Pretreatment Standard or requirement shall be liable to the City for a maximum civil penalty of one thousand dollars (\$1,000) per violation, per day as determined by the Director. In the case of a monthly or other long term average Discharge limit, penalties shall accrue for each day during the period of the violation.

(b) The Director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

(c) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

(d) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

(Ord. No. 2012-90. Passed 08/15/2012)

915.62 Judicial Enforcement Remedies - Criminal Prosecution

(a) A User who willfully or negligently violates any provision of this Ordinance, an WDP, Temporary WDP or order issued hereunder, or any other Pretreatment Standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000) per violation, per day, or imprisonment for not more than 180 days, or both.

(b) A User who willfully or negligently introduces any Pollutant into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least one thousand dollars (\$1,000) or be subject to imprisonment for not more than 180 days, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

(c) A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Ordinance, WDP, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000) per violation, per day, or imprisonment for not more than 180 days, or both.

(d) In the event of a second conviction of (a), (b) or (c) above, a User shall be punished by a fine of not more than one thousand dollars (\$1,000) per violation, per day, or imprisonment for not more than 180 days, or both.

(Ord. No. 2012-90. Passed 08/15/2012)

915.63 Judicial Enforcement Remedies - Nonexclusive

The remedies provided for in this Ordinance are not exclusive. The Director may take any, all, or any combination of these actions against a noncompliant User. Enforcement of Pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Director may take other action against any User when the circumstances warrant. Further, the Director is empowered to take more than one enforcement action against any noncompliant User (Ord. No. 2012-90. Passed 08/15/2012).

915.64 Supplemental Enforcement Action - Penalties for Late Reports

A penalty of one hundred dollars (\$100) shall be assessed to any User for each day that a report required by this Ordinance, a permit or order issued hereunder is late, beginning five (5) days after the date the report is due. Actions taken by the Director to collect late reporting penalties shall not limit the Director's authority to initiate other enforcement actions that may include penalties for late reporting violations (Ord. No. 2012-90. Passed 08/15/2012).

2012 Replacement

915.65 Supplemental Enforcement Action - Performance Bonds

The Director may decline to issue or reissue an WDP to any User who has failed to comply with any provision of this Ordinance, a previous WDP, Temporary WDP or order issued hereunder, or any other Pretreatment Standard or requirement, unless such User first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the Director to be necessary to achieve consistent compliance (Ord. No. 2012-90. Passed 08/15/2012).

915.66 Supplemental Enforcement Action - Liability Insurance

The Director may decline to issue or reissue an WDP to any User who has failed to comply with any provision of this Ordinance, a previous WDP, Temporary WDP or order issued hereunder, or any other Pretreatment Standard or requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its Discharge (Ord. No. 2012-90. Passed 08/15/2012).

915.67 Supplemental Enforcement Action - Payment of Outstanding Fees and Penalties

The Director may decline to issue or reissue an WDP or Temporary WDP to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this Ordinance, a previous WDP or Temporary WDP, or order issued hereunder (Ord. No. 2012-90. Passed 08/15/2012).

915.68 Supplemental Enforcement Action - Water Supply Severance

Whenever a User has violated or continues to violate any provision of this Ordinance, a WDP, or order issued hereunder, or any other Pretreatment Standard or requirement, water service to the User may be severed. Service will recommence, at the User's expense, only after the User has satisfactorily demonstrated its ability to comply (Ord. No. 2012-90. Passed 08/15/2012).

915.69 Supplemental Enforcement Action - Public Nuisances

A violation of any provision of this Ordinance, a WDP, or order issued hereunder, or any other Pretreatment Standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Director. Any Person(s) creating a public nuisance shall be subject to the provisions of the City Ordinance Chapter 521 governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance (Ord. No. 2012-90. Passed 08/15/2012).

915.70 Supplemental Enforcement Action - Informant Rewards

The Director may pay up to two hundred (\$200) for information leading to the discovery of noncompliance by a User. In the event that the information provided results in a civil penalty two hundred dollars (\$200) levied against the User, the Director may disperse up to Twenty Percent (20%) of the collected fine or penalty to the informant. However, a single reward payment may not one thousand dollars (\$1,000) (Ord. No. 2012-90. Passed 08/15/2012).

915.71 Supplemental Enforcement Action - Contractor Listing

Users which have not achieved compliance with applicable Pretreatment Standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the City. Existing contracts for the sale of goods or services to the City held by a User found to be in Significant Noncompliance with Pretreatment Standards or requirements may be terminated at the discretion of the Director (Ord. No. 2012-90. Passed 08/15/2012).

915.72 Wastewater Treatment Rates

(a) Whereas, it is necessary for the City to recover from all users of the POTW the costs of operation and maintenance, including equipment replacement and debt service, the City shall levy fees, assessments and charges upon each lot, parcel of land, building or premises within or outside the corporate limits served by or having connection with the POTW or otherwise discharging sewage, industrial wastes, water or other liquids, either directly or indirectly into the POTW such that each user or Person pays his/her proportionate share of such cost in a manner as provided in this chapter and as hereafter described in this section.

(b) Permit Application and Connection Fees and Charges.

- (1) All users required to make connection with the City's POTW shall apply for a building sewer, WDP and/or temporary WDP as required in Sections 915.06(a) and 915.19 to 915.30. The fee for sewer permits may be changed whenever necessary as determined by the Director.
- (2) All sewer connections shall be in conformance with standards set forth in this chapter. All costs and expenses incident to the inspection, installation and connection of the building sewer shall be borne by the owner as provided in Section 915.06(a) and (b). Any required connection charges or tap-in fees shall be paid in full before a sewer application is approved or a sewer permit is issued. The amount of such sewer connection charges shall be determined by the Director.

The amount of such connection charges or tap-in fees shall not be less than the amount assessed for similar properties and shall be in addition to any permit fees or other fees required.

- (3) Industrial WDP applications and/or temporary WDP applications shall be in conformance with the requirements of Section 915.19 to 915.30 and the permit fees provided in subsection (b)(l) hereof. The Director may assess applicants for additional costs related to plan review, waste analyses and related matters as applicable.

(c) Sewer Use Charges.

(1) Computation of unit charges.

- A. The base unit charge for POTW usage shall be computed by apportioning total system operating costs to all users on the basis of volume of water usage, or Wastewater Discharge as required in subsection (c)(2) hereof, providing that all users of the system discharge Normal Strength Wastewater as defined herein. When BOD, TSS or other Pollutant concentrations from a user exceed the range of these Pollutants in Normal Strength Wastewater, a surcharge shall be added to the base charge in the manner provided in subsection (d) hereof.
- B. Total system operating costs shall include operation, maintenance, equipment replacement and debt service for the POTW, plus all administrative costs allocable to these operations, plus all regularly scheduled, routine administration, operation, maintenance, equipment replacement, monitoring, surveillance, analysis and debt service.
- C. With the exception of Section 915.75(h) minimum charges, pursuant to regulations promulgated under the Act, user charges shall be computed only in accordance with the model below:

$$C_u = \frac{C_t}{V_t} V_u$$

where:

C_u = a user's sewer charge per unit of time

C_t = total system operating costs per unit of time

V_t = total volume contribution per unit of time

V_u = A user's total water usage or Wastewater Discharge in 1,000 cubic feet (cf) per unit of time

C_t/V_t = unit cost of sewer service in \$/1,000 cf

(2) Metering and billing procedures.

- A. For lots, parcels of land, buildings or premises using water exclusively supplied by the City, such POTW service charge or rental shall be based upon the quantity of water used thereon or therein, as measured by the City water meters installed or approved by the Director and shall be at the rate as provided in subsection (c)(1) hereof for each 1,000 cubic feet of water consumed per month provided, however, that in no event shall such POTW service charge or rental be less than the charge for 300 cubic feet of water consumed per month for each connection with the system, which charge is hereby declared to be a minimum charge.
- B. For lots, parcels of land, buildings or premises using water supplied either in whole or in part from sources other than the waterworks system of the City, the Director may require the owner or other interested party to install flow meters satisfactory to the Director to the extent necessary to measure all such supplies of water and the quantity of water consumed on such lot, parcels of land, buildings or premises shall be deemed to be the aggregate amount disclosed by such meters; provided that, if the Director finds it is not practical to measure by meter any water supplied from sources other than the waterworks system of the City, he/she shall measure the same in such manner and by such methods as he/she may find practicable in light of the conditions and attending circumstances of the case; provided further, that such methods are in accordance with accepted engineering practice. The cost of such method(s) shall be paid by the owner of the lots, parcels of land, buildings or premises receiving said POTW services. The amount which would be payable at current City water rates, for the aggregate amount of water consumed and measured as provided in this subsection (c)(2)B. hereof shall then constitute the base for application of the POTW service charge or rental provided in subsection (c)(2)A. hereof.
- C. In the event it can be shown to the satisfaction of the Director with respect to any lots, parcels of land, buildings or premises, that a portion of the water, from any source, consumed on the premises does not and cannot enter the POTW system, then in each such case the owner or other interested party may at his/her expense install and maintain a separate metering device which shall demonstrate to the satisfaction of the Director that portion of the water so consumed on the lots, parcels of land, building or premises which is Discharged into the POTW system, and such portion shall then constitute the base for application of the POTW service charges or rental provided in subsection (c)(1)A. hereof for these lots, parcels of land, buildings or premises.
- D. The POTW usage charges and/or rates established herein shall be payable at the Utility Billing Division of the Budget & Finance Department of the City, and shall be billed at the same time, monthly, as may be applicable, and for the same period as water charges are billed. The charges or rates for such POTW service

shall be rendered with and placed upon the bill or statement submitted for the use of the water service of the City, or at the same time that water bills are rendered, in the event that subsection (c)(2)B. hereof applies.

- E. No free service shall be rendered by the POTW to the City or any department thereof, to any corporation, public or private, to any school, public or private, to any institutions, charitable or otherwise, or to any other users. If any of the Persons in this subsection E. so enumerated avail themselves of the service of the POTW system for general purposes or for any other purpose, the rates herein established which are declared to be as to such Person, reasonable rates, shall be charged against such Person and shall be paid at the time and in the manner herein otherwise provided for the payment of such rates.
- F. POTW service charges levied at the rates established shall be billed in accordance with procedures established by the Director

- (3) Revisions and rate increases. The Director shall annually review the POTW usage charges and rates and shall periodically revise user charges and rates to ensure that sufficient revenue shall be available to defray total POTW operating costs.

(d) Sewer Use Surcharges.

- (1) As provided in subsection (c)(1) hereof, surcharges shall be assessed for extra strength Wastewater for which the concentration of BOD, TSS or other Pollutants exceeds the concentrations of these Pollutants in Normal Strength Wastewater. Surcharges shall also be assessed for the City's cost of consistently removing at the City's WRF, toxic Pollutants as defined in the Categorical pretreatment standards and amendments thereto.
- (2) Wastewater Pollutant concentrations shall be determined from the City's Pretreatment Compliance Monitoring Program and any necessary special surveillance or user's self-monitoring data.
- (3) As required by federal law, surcharges shall be added to a user's sewer use charges and shall remain in effect as long as Normal Strength Wastewater values are exceeded.
- (4) Consistent with the Act, surcharges shall be computed in accordance with the model below:

$$Cs - K(BcB + ScS + PcP)Vu$$

where:

- Cs = surcharge for extra strength waste
- K = concentration to mass loading conversion factor equal to 0.0626
- Bc = unit operating cost for BOD in \$/lb.
- B = concentration (mg/l) of BOD from a user above 250 mg/l (Normal Strength Wastewater)
- Sc = unit operating cost for suspended solids (nonfilterable residue) in \$/lb
- S = concentration (mg/l) of suspended solids from a user above 300 mg/l (Normal Strength Wastewater)
- Pc = unit operating cost of any Pollutant in \$/lb
- P = concentration (mg/l) of any Pollutant from a user above Normal Strength Wastewater concentrations
- Vu= a user's total water usage or Wastewater Discharge in 1,000 cubic feet per unit of time

(e) Special assessments. The Director shall assess users for any additional fees, costs and expenses as may be necessary due to enforcement actions and legal fees, costs and damages from slug Discharges and accidental spills, any special non-routine pretreatment compliance monitoring surveillance, analysis and review and/or any other just cause allocable to an individual user. Special assessments shall be applicable per 915.09.

(f) There is hereby levied and charged upon each lot, parcel of land, building or premises within or outside the corporate limits served by or having a connection with the POTW or otherwise discharging sewage, industrial wastes, water or other liquids, either directly or indirectly into the POTW a service charge or rental payable as hereinafter provided and in amounts to be determined subsections (g) through (i):

(g) For lots, parcels of land, buildings or premises using water exclusively supplied by the City, such POTW usage charges and rates shall be based upon the quantity of water used thereon or therein, as measured by the City water meters installed or by measurement method approved by the Director and shall be at the rate of forty two dollars and two cents (\$42.02) for each 1,000 cubic feet of water consumed. In no event shall POTW usage charges and rates be less than the \$42.02 amount per 1,000 cubic feet of water consumed as determined by application of the schedule in subsection (h) to each connection to the POTW which amount is hereby declared to be a minimum charge.

(h) Effective for the billing dates after January 15, 2012:

MINIMUM CHARGE PER MONTH

Water Meter Line Size Charge (inches)	Quantity (cu. ft.)	Monthly Minimum Charge
3/4 and 5/8	300	12.61
1	900	37.82
1.5	1,800	75.64
2	2,400	100.85
3	3,400	142.88
4	4,500	189.10
6	9,000	378.21
8	15,000	630.34
10	22,500	945.52
12	36,000	1,512.81

(l) For the subsequent years after January 15, 2012, the rates for processing sewage will increase as follows:

- (1) The sewer rate billing in 2013 will increase by nine percent (9%);
- (2) The sewer rate billing in 2014 will increase by nine percent (9%);
- (3) The sewer rate billing in 2015 will increase by nine percent (9%);
- (4) The sewer rate billing in 2016 and every year thereafter, will increase by three percent (3%);
- (5) These rate increases will be effective for billing dates after January 15 of each year.
- (6) Kent City Council reserves the right to review the above defined increases annually during the capital plan budget review. The Director shall report to Council such information as required in section 915.75 (c) (3) for revisions and rate increases.

(j) Sewer Revenue Fund. The funds received from the collection of the rates and charges hereinafter provided shall be deposited as received with the Director of Budget and Finance, who shall keep the same in a separate fund, designated Sewer Revenue Fund. Subject to the provisions of any

Ordinance or indenture of mortgage authorizing the issuance of and securing mortgage revenue bonds for such POTW, and notwithstanding the limitations imposed by Ohio Revised Code 729.52, moneys in such Fund shall be used for the payment of the cost and expenses of operation, maintenance, repair and management of the POTW and for payment of debt charges on bonds issued for extensions and improvements of the POTW and any surplus in the Fund over and above the requirements hereinbefore mentioned may be used for enlargement of and replacements to the system and parts thereof, or for any other lawful purpose or purposes. A minimum amount of 3.76% of the funds received shall be used for the payment of the cost of maintaining a sewer replacement program.

(k) A Person or other entity with property located outside the City requesting sewer service from the City shall meet the following conditions:

- (1) The property owner shall apply to Council for approval by Ordinance of the proposed extension and/or tap in.
- (2) The property of the applicant for sewer service shall be adjacent to an existing sewer main.
- (3) The applicant shall pay the proportionate share of the cost of construction of the sewer main as determined by the Deputy Service Director/Superintendent of Engineering.
- (4) The applicant shall pay the tap-in charge as determined by the Director of the City.
- (5) The applicant shall secure all applicable City permits and comply with all applicable Director's rules and regulations.

(l) Each POTW usage charge and rate levied pursuant to this chapter shall constitute a lien upon the premises and pursuant to Ohio R.C. 729.49, if any such POTW usage charge and rate is not paid when due it may be collected in the same manner as other municipal corporation taxes. This shall include the right of City Council to certify delinquent POTW Use Charges, late charges and fees imposed to the County Auditor and have the delinquencies charged to the real estate tax bill as a lien on the property that generated the bill. The City shall also have the right, in the event of no payment as aforesaid, to discontinue both water and sewer service to such premises and to impose such other late charges and fees as provided by law until such unpaid POTW usage charge and rate and all other late charges and fees imposed in addition thereto, have been paid in full.

(m) The Budget and Finance Director is hereby authorized to refund and/or adjust sewer bills when it is determined that due to a water leak in the service, or any other pipes or fixtures on the premises of the consumer, the sewer bill does not reflect the true sewer usage during the billing period.

(Ord. No. 2012-90. Passed 08/15/2012)

915.73 Miscellaneous Provisions - Pretreatment Charges and Fees

The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's Pretreatment Program, which may include:

- (a) Fees for WDP applications including the cost of processing such applications;
- (b) Fees for monitoring, sampling, inspection, and surveillance procedures including the cost of collection and analyzing a User's Discharge, and reviewing monitoring reports and certification statements submitted by Users;
- (c) Fees for reviewing and responding to accidental Discharge procedures and construction;
- (d) Fees for filing appeals;
- (e) Fees to recover administrative and legal costs not included in Section 915.76 (b) associated with the enforcement activity taken by the Director to address IU noncompliance; and
- (f) Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Ordinance and are separate from all other fees, fines, and penalties chargeable by the City.

(Ord. No. 2012-90. Passed 08/15/2012)

915.74 Severability

If any provision of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect (Ord. No. 2012-90. Passed 08/15/2012).

915.75 Director's Rules and Regulations

The Director shall make and enforce such rules and regulations as he/she may deem necessary for the enforcement of the provisions of this chapter for the safe, efficient and economical management of the POTW. Such rules and regulations, when not repugnant to existing ordinances of the City or laws of the State, shall have the same force and effect as ordinances of Council (Ord. No. 2012-84. Passed 08/15/2012).

915.76 Effective Date

This Ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law (Ord. No. 2012-90. Passed 08/15/2012).

