

ORDINANCE NO. 10-16

AN ORDINANCE AMENDING CHAPTER 913 OF THE  
CODIFIED ORDINANCES OF THE CITY OF PORT CLINTON  
ENTITLED SANITARY SEWER DISCHARGE

WHEREAS, the City of Port Clinton operates a Waste Water Treatment Facility for the processing of liquid wastes, and

WHEREAS, the City has adopted certain rules and regulations concerning the operation, treatment, and effluent processes at its Waste Water Treatment Facility, and

WHEREAS, it has been found and determined that the ordinances regulating the operation of the City's Waste Water Treatment Facility should be amended and updated.

NOW THEREFORE, BE IT ORDAINED by the council of the City of Port Clinton, Ottawa County, Ohio:

**Section 1.** Codified Ordinance Section 913.01 is hereby amended to read as follows:

**913.01 Definitions.** For the purposes of this chapter, certain terms are defined as follows:

(a) "Act" or "the Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.

(b) "Best Management Practices" (BMPs) shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Sections 913.03 and 913.04, Ohio Administrative Code (OAC) 3745-3-04, and 40 CFR 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs as local limits shall include and mean required management plans for complying with, or in lieu of, certain established Pretreatment Standards and effluent limits.

(c) "Biochemical Oxygen Demand" (BOD) shall mean the quantity of oxygen, expressed in milligrams per liter by weight, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five days at a temperature of twenty degrees Centigrade. The laboratory determinations shall be made in accordance with procedures set forth in *Standard Methods*.

(d) "Categorical Pretreatment Standard" shall mean any regulation containing pollutant discharge limits promulgated by USEPA in accordance with sections 307(b)-(c) of the Act (33 U.S.C. section 1317) that apply to a specific

category of User and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

(e) "Chemical Oxygen Demand" (COD) shall mean the oxygen equivalent or organic matter that can be oxidized by using a strong chemical oxidizing agent expressed in parts per million. Laboratory determinations shall be made in accordance with procedures set forth in Standard Methods.

(f) "City" shall mean the City of Port Clinton.

(g) "Combination wastes" means a combination of the sanitary sewage and industrial wastes carried from residences, business and commercial establishments, institutions and industrial establishments, together with such ground, surface and storm water as may be present.

(h) "Combined storm and sanitary sewer" means a sewer which carries sanitary sewage, industrial wastes and storm, surface and ground water.

(i) "Daily Maximum Limit" shall mean 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.

(j) "Discharge" shall mean the introduction of pollutants into the treatment works from any non-domestic source.

(k) "Discharge Orders" shall mean a control mechanism allowing Industrial Users to discharge regulated process wastewater into the treatment works.

(l) "Domestic Sewage" shall mean the water-carried human, animal and household wastes in a public or private drain, resulting from human occupancy.

(m) "Existing Source" shall mean any source of discharge that is not a New Source.

(n) "Fats, oils and grease" means organic polar compounds derived from animal and or plant sources that contain multiple carbon chain triglyceride molecules. These substances are measurable using analytical test procedures establishes in 40 CFR 136, as may be amended from time to time.

(o) "Garbage" shall mean the residue from the preparation and dispensing of food and from the handling, storage and sale of food products and produce.

(p) "Grease trap/interceptor" means a device for separating and retaining water borne grease and grease complexes prior to the wastewater exiting the trap

and entering the sanitary sewer collection system. For this document, the terms shall be synonymous.

(q) “Industrial User” or “User” (IU) shall mean a source of industrial waste that is discharged to the treatment works.

A. “Categorical Industrial User” (CIU) shall mean an Industrial User subject to a Categorical Pretreatment Standard.

B. “Significant Industrial User” (SIU) shall mean all Industrial Users subject to Categorical Pretreatment Standards and any other Industrial User that meets one of the following criteria:

1. Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW; or
2. Contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
3. Has a reasonable potential, in the opinion of the Safety-Service Director, to adversely affect the POTW’s operation or for violating any Pretreatment Standard or Requirement.
4. The Safety-Service Director may at any time, on its own initiative or in response to a petition received from an Industrial User, determine that a noncategorical Industrial User is not a Significant Industrial User if the Industrial User has no reasonable potential to adversely affect the POTW’s operation or for violating any Pretreatment Standard or Requirement.

(r) “Industrial Waste” shall mean any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resource.

(s) “Industrial Wastewater Release Minimization Plan” (IWRMP) shall mean a strategy required of the City of Port Clinton to minimize discharge of industrial wastewater during combined sewer overflows (CSOs) and sanitary sewer discharges (SSDs).

(t) “Instantaneous Limit” shall mean the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of sampling event.

(u) “Interference” shall mean a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW,

its treatment processes or operations or its sludge processes, use or disposal and, therefore, is a cause of a violation of the City of Port Clinton's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions, any permits issued there under or any more stringent State or local regulations: Section 405 of the Act (33 U.S.C. section 1345); 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.

(v) "Local Limit" shall mean a specific discharge limit developed and enforced by the City of Port Clinton upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

(w) "Monthly Average Limit" shall mean the highest allowable average of daily discharge loadings or concentrations over a calendar month, calculated as the sum of all daily discharge loadings or concentrations measured during a calendar month divided by the number of daily discharges measured during that month.

(x) "New Source" shall mean:

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 (33 U.S.C. section 1317) 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 plant and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

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 paragraphs (A)(2) or (3) above but otherwise alters, replaces, or adds to an existing process or production equipment.

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, any placement, assembly, or installation of facilities or equipment or 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 are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(y) “Newly developed areas” mean unsewered areas and areas redeveloped through urban renewal or other similar programs.

(z) “NPDES” means the National Pollution Discharge Elimination System permit program as administered by the U.S. EPA or the State.

(aa) “Parts Per Million” (ppm) shall be considered equal to milligrams per liter.

(bb) “Pass Through” shall mean a discharge which exits the treatment works into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, are a cause of a violation of any requirement of the City of Port Clinton’s NPDES permit, including an increase in the magnitude or duration of a violation.

(cc) “Person” shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity, including organizations as specified in Port Clinton Codified Ordinance 501.11.

(dd) “Pollutants of Concern” (POC) shall mean any pollutant that might reasonably be expected to be discharged to the treatment works in sufficient amounts to pass through or interfere with the works, contaminate its sludge, cause problems in its collection system, or jeopardize its workers. (Arsenic, Cadmium,

Chromium, Nickel, Copper, Cyanide, Lead, Mercury, Molybdenum, Selenium, Silver, Zinc, BOD, TSS, Phosphorus, and Ammonia).

(ee) "Pretreatment" shall mean 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.

(ff) "Pretreatment Requirements" shall mean any substantive or procedural requirement related to pretreatment imposed on the User, other than a Pretreatment Standard.

(gg) "Pretreatment Standards" shall mean Prohibited Discharge Standards, Categorical Pretreatment Standards and Local Limits.

(hh) "Private Sewer" shall mean any sewer not owned or operated by the City of Port Clinton.

(ii) "Prohibited Discharge Standards" shall mean absolute prohibitions against the discharge of certain substances and certain conditions of discharge.

(jj) "Public Sewer" shall mean a sewer for the conveyance of wastewater or storm water provided by or subject to the jurisdiction of the City, including any sewer within or outside the City boundaries that serves one or more persons and ultimately discharges into the City sanitary or combined sewer systems, even though the sewer may not have been constructed with City funds.

(kk) "Publicly Owned Treatment Works" (POTW) shall mean 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 treatment plant.

(ll) "Safety-Service Director" or "Director" means the Director of Public Safety and Service of the City of Port Clinton, or his authorized representatives.

(mm) "Sanitary sewage" means domestic wastes contributed by reason of human occupancy.

(nn) "Sanitary sewage system" means all facilities for collecting, pumping, treating and disposing of sanitary sewage and industrial wastes.

(oo) "Sanitary sewer" means a sewer which carries sanitary sewage or industrial wastes, or a combination of both, and into which storm, surface and ground water or unpolluted industrial process waters are intentionally prohibited.

(pp) "Septic Tank Waste" shall mean any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, vacuum pump tank trucks, and septic tanks.

(qq) "Sewage" shall mean the water-carried human, animal and household wastes in a public or private drain and may include groundwater infiltration, surface drainage and industrial wastes.

(rr) "Sewer" means a pipe or conduit for carrying sewage or any other waste liquids, including industrial wastes, storm water, surface and ground water damage.

(ss) "Shall" is mandatory: "may" is permissive.

(tt) "Slug Load" shall mean any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, at a flow rate or concentration which could cause a violation of the Prohibited Discharge Standards of this chapter or has a reasonable potential to overload any storm, sanitary or combined sewers, cause interference, or pass through, or in any other way violate the POTW's regulations, Local Limits or permit conditions.

(uu) "*Standard Methods*" shall mean the most recent edition of *Standard Methods for the Examination of Water and Wastewater*, published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation, which establishes the examination and analytical procedures for the monitoring of wastewater.

(vv) "Storm sewer or storm drain" means a sewer which carries storm and surface water and drainage, subsurface drainage, cooling water and unpolluted industrial process water, but excludes sanitary sewage and industrial wastes.

(ww) "Suspended Solids" shall mean particles that either float on the surface of, or are in suspension in water, sewage or industrial waste and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in Standard Methods.

(xx) "Total Organic Carbon" (TOC) shall mean the determination of organic matter present by the measurement of carbon dioxide produced by pyrolysis. Laboratory determination shall be in accordance with procedures set forth in Standard Methods.

(yy) "Treatment Works," as used in this chapter, shall mean the Port Clinton Publicly Owned Treatment Works.

(zz) "Unpolluted Water or Liquids" shall mean any water or liquid containing none of the following: emulsified grease or oil; acids or alkalis; substances that may impart taste-and-odor or color characteristics; toxic or poisonous substances in suspension, colloidal state or solution; odorous or other obnoxious gases; not more than 300 mg/l of dissolved solids; or not more than 20 mg/l each of Suspended Solids or Biochemical Oxygen Demand. Analytical determinations shall be made in accordance with procedures set forth in Standard Methods.

**Section 2.** That Codified Ordinance Section 913.02 is hereby amended to read as follows:

**913.02. Compliance.**

(a) No person shall discharge sewage, industrial waste or other waste to the POTW without complying with the provisions of this chapter.

(b) Areas outside of the jurisdiction of the City which discharge to the POTW shall execute agreements with the City binding the governmental entity having jurisdiction over such areas to the provisions of this chapter. Such governmental entities shall enact appropriate measures making the provisions of this chapter legally enforceable on the Users and their jurisdiction. The City shall have primary authority to enforce this chapter outside the City in accordance with Ohio Revised Code (ORC) 6111.032. Fulfillment of the requirements of this paragraph shall be a prerequisite to the City's continuing to serve areas presently served or to serve additional areas outside the jurisdiction of the City.

**Section 3.** That Codified Ordinance Section 913.03 is hereby amended to read as follows:

**913.03. General prohibitions.**

(a) No person shall place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City, sewage, industrial waste, sludges or hazardous waste, or any other objectionable waste.

(b) Except as provided in Section 911.02, no person shall construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for disposal of wastewater in the City.

(c) No person shall discharge to any storm drains and watercourses within the City, any wastewater, or other prohibited or restricted materials covered by this chapter except where approved by the Safety-Service Director.

(d) No person shall access the sewer system or POTW for any activity, including discharge of hauled septic or industrial wastes, except at locations and times designated by the Safety-Service Director as permitted in Sections 911.03

and 911.05. Any removal of manhole lids or other access to the sewer system for the purpose of discharging wastes, at times and/or locations other than those designated by the Safety-Service Director or without the express written permission of the Safety-Service Director, shall be considered a violation and shall be subject to enforcement action including fines and penalties allowed under this section.

(e) No person shall introduce or cause to be introduced into the treatment works of the City any pollutant, sewage, industrial waste or other waste, which causes Pass Through or Interference. These prohibitions apply to all persons using the POTW whether or not they are subject to Categorical Pretreatment Standards or any other federal, state or local Pretreatment Standards or Requirements.

**Section 4.** That Codified Ordinance Section 913.04 is hereby amended to read as follows:

**913.04. Prohibited discharges.**

(a) No person shall discharge or cause to be discharged to any sanitary sewer any unpolluted water such as, but not limited to, storm water, ground water, roof water runoff, subsurface drainage, footer drain discharge, or nonresidential cooling or noncontact water. Such waters from limited areas, which may be polluted at times, may be discharged to a sanitary sewer by permission of the Safety-Service Director.

In the event of violation of the aforesaid prohibition, the Safety-Service Director shall issue a written order to the person discharging such unpolluted waters for the removal of unpolluted water connections to such sanitary sewer within ninety (90) days after the service of such order. A written order shall be served on such person by personal service or by certified or registered mail, return receipt requested.

Discharge of unpolluted waters, other than that exempted above, shall be discharged to such sewers specifically designed as combined sewers or storm sewers or to a natural outlet approved by the Safety-Service Director and other governmental agencies. Unpolluted industrial cooling water or process water may be discharged on approval of the Safety-Service Director and other governmental agencies to a storm sewer, combined sewer or natural outlet.

(b) No person (applies to all users) shall discharge or cause to be discharged, directly or indirectly, any of the following described waters or wastes to any public sewers:

- i. Pollutants which cause a fire or explosion hazard in either the collection system or the POTW which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to cause fire or explosion or maybe injurious in any other way to the operation of the POTW.

ii. Any waters or wastes having a pH lower than 6.0 or greater than 10.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personal of the wastewater system.

iii. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interferences with the proper operation of the wastewater facilities.

iv. Wastewater having a temperature which will inhibit biological activity in the POTW resulting in interference.

v. Wastewater containing petroleum oil, nonbiodegradable cutting oils, products of mineral oil origin or floatable oils, fat, wax, or grease, in concentrations exceeding fifty milligrams per liter or in amounts which can pass through or cause interference.

vi. Any garbage that has not been properly shredded or of such quantity that can cause blockage in the receiving sewers or interference with operations of the POTW.

vii. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction are capable of creating a public nuisance, hazard to life or sufficient to prevent entry into the sewers for the purpose of their maintenance and repair, or interferes with the proper operation of the POTW.

viii. Any wastewater containing any radioactive wastes or isotopes exceeding any applicable state or federal regulations.

ix. Any substance which will cause the POTW's effluent or treatment residues, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process, or would cause the POTW to violate its NPDES permit.

x. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction to injure or interfere with any wastewater process, or constitute a hazard to humans or animals, or to exceed the limitations set forth in the national categorical pretreatment standards.

xi. Any slugload, which shall mean any pollutant, including oxygen demanding pollutants (BOD, CBOD, etc.) released in a single extraordinary discharge episode of such volume or strength as to cause interference to the POTW.

xii. Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(c) No user shall discharge wastewater containing concentrations of the following pollutants, exceeding the following values:

<u>Material</u>	<u>Concentration (mg/l-total)</u>
Arsenic	0.6
Barium	4.5
Cadmium	0.05
Chromium, Total	0.8
Chromium, Hex	0.07
Chlorides	1000.0
Copper	1.1
Cyanide, Total	0.5
Lead	0.69
Mercury	Non-Detect or Best Management Practices (BMPs)
Molybdenum	0.3
Nickel	1.0
Oil and Grease	390
Phenols	1.0
Selenium	0.8
Silver	0.2
Sulfides	50.0
Zinc	2.6

Best Management Practices (BMPs) - The Safety-Service Director or Waste Water Superintendent may develop BMPs either by ordinance or in individual wastewater discharge permits to implement Local Limits.

The City may annually update these limits by directing the Safety-Service Director to develop local limits.

The City may impose mass limitations on industrial users where the imposition of such limitations is deemed necessary and appropriate.

The City may convert mass per unit of production limits in pretreatment standards to equivalent mass per day or concentration limits. These equivalent limits shall be deemed pretreatment standards which industrial users will be required to comply with in lieu of promulgated standards.

(d) Accidental Discharges.

(1) Each user shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this chapter. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review and shall be approved by the City before construction of the facility. No user who discharges to the

POTW shall be permitted to introduce pollutants into the system until accidental discharge protection procedures have been approved by the City. Review and approval of such plans and operating procedures by the City shall not relieve the user from the responsibility to modify its facility as necessary to meet the requirements of this chapter. The permit to discharge shall require access to inspect the control facility.

(2) Users shall notify the City immediately upon the occurrence of a “slugload,” or accidental discharge of substances prohibited in this chapter. The notification shall include the location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any user who discharges a slugload of prohibited material shall be liable for any expense, loss or damage to the POTW, in addition to the amount of any fines imposed on the City on account thereof under state or federal law.

(3) Signs shall be permanently posted in conspicuous places on the user’s premises advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedure.

**Section 5.** That Codified Ordinance Section 913.05 is hereby amended to read as follows:

**913.05 Admission of Industrial Wastes into Public Sewers**

(a) Approval Required. No person shall initiate a discharge of industrial wastes into the public sewers or any waters until the approval of the Safety-Service Director has first been obtained.

(b) Regulations for Industrial Discharge into Sanitary Sewers - In the installation of a sewer connection and in the issuance of a permit for the use thereof, the following requirements shall be observed by an industrial user.

(c) Industrial User means and includes users discharging wastes resulting from manufacturing activities involving the mechanical or chemical transformation of materials or substances into other products. These activities occur in establishments usually described as plants, factories, or mills and characteristically use power-driven machines and material handling equipment. Also, included are facilities involved in the generation, handling, transportation, disposal, treatment, or land filling of domestic, dental or medical, and construction or hazardous wastes.

(d) Industrial Waste means any solid, liquid, or gaseous substance, resulting from any industrial, manufacturing, trade or business process, from the development, recovery, or processing of natural resources, or from the generation, handling, transportation, disposal, recovery, treatment or land filling of domestic, dental or medical, and construction or hazardous wastes.

(e) General Provisions:

(1) Separate connections to the sanitary sewer will be made and maintained by the industrial user for sewage and industrial waste as defined above.

(2) The Safety-Service Director shall require the creation and maintenance of a sampling point for the purpose of routine monitoring of industrial waste. The industrial user will submit plans for the construction to the Safety-Service Director for approval. The Safety-Service Director will inspect and approve the final installation. The Industrial user will provide access to the sampling station at all times by employees of the City for the purpose of insuring compliance to any requirements that may be imposed under the permit.

(f) Limitations on Wastewater Discharges

Dilution: No Industrial User shall increase the use of potable, process, or water from any source, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards or limitations set forth by either local, state, or federal statutes or regulations.

**Section 6.** That Codified Ordinance Section 913.06 is hereby enacted to read as follows:

**913.06 Modification of Standards**

(a) Right of Revision: The City reserves the right to amend this chapter to provide for more stringent limitations or requirements on discharges to the POTW where deemed necessary to maintain NPDES compliance.

(b) National Categorical Pretreatment Standards: National Categorical Pretreatment Standards as promulgated by the U.S. Environmental Protection Agency (U.S. EPA) pursuant to the Act shall be met by all dischargers of the regulated industrial categories. An application for modification of the National Categorical Pretreatment Standards may be considered for submittal to the Regional Administrator by the City, when the City's wastewater treatment system achieves consistent removal of the pollutants as defined by 40 CFR 403.7.

**Section 7.** That Codified Ordinance Section 913.07 is hereby enacted to read as follows:

**913.07 Administration**

(a) No person shall discharge sewage, industrial wastes or other wastes to any sewer under the jurisdiction of the City, and/or to the POTW without having first complied with the terms of this chapter. The Service Director may issue orders to any industrial user to require compliance with any requirements under this chapter, including applicable categorical pretreatment standards, other discharge limits and reporting requirements.

(b) All industrial users proposing to connect to or to discharge sewage, industrial wastes and other wastes to the POTW shall comply with all terms of this chapter.

(c) Reporting Requirements for Industrial Users.

(1) Industrial users shall complete and file with the City a disclosure declaration, in the form prescribed by the City, at least ninety days prior to connecting to the POTW. The disclosure to be made by the discharger shall be made on written forms provided by the City and shall cover:

- i. Disclosure of name, address and location of the user;
- ii. Disclosure of Standard Industrial Classification (SIC) number according to the Standard Industrial Classification Number, Bureau of the Budget, 1972, as amended;
- iii. Disclosure of wastewater constituents and characteristics including but not limited to those mentioned in this chapter, as determined by bona fide chemical and biological analyses, procedures established by the U. S. EPA and contained in 40 CFR, Part 136, as amended;
- iv. Disclosure of time and duration of discharges;
- v. Disclosure of average daily wastewater flow rates, in gallons per day, including daily, monthly and seasonal variation, if any. All flows shall be measured unless other verifiable techniques are approved by the City due to cost or non-feasibility;
- vi. Disclosure of site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation;
- vii. Description of activities, facilities and plant processes on the premises including all materials which are or may be discharged to the sewers or works of the City;
- viii. Disclosure of the nature and concentration of any pollutants or materials prohibited by this chapter in the discharge, together with a statement regarding whether or not compliance is being achieved with this chapter on a consistent basis and if not, whether additional operation and maintenance activities and/or additional pretreatment is required for the user to comply with this chapter;
- ix. Where additional pretreatment and/or operation and maintenance activities will be required to comply with this chapter, the user shall provide a declaration of the shortest schedule by which the user will

provide such additional pretreatment and/or implementation of additional operational and maintenance activities;

The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to comply with the requirements of this chapter including, but not limited to, dates relating to hiring an engineer, having other appropriate personnel, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, and all other acts necessary to achieve compliance with this chapter.

Under no circumstances shall the City permit a time increment for any single step directed toward compliance which exceeds nine months, nor shall the total time increments exceed two years.

Not later than fourteen days following each milestone date in the schedule and the final date for compliance, the user shall submit a progress report to the City, including not less than a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the approved schedule. In no event shall more than nine months elapse between such progress reports to the City.

Once a user's compliance schedule has been received and accepted by the City, any violation of the compliance schedule shall be considered a violation of this chapter.

x. General disclosure of products produced by type, amount, process or processes and rate of production;

xi. Disclosure of the type and amount of raw materials utilized (average and maximum per day);

xii. All disclosure forms, as well as any other reports required for submittal to the POTW shall be signed by an officer of the corporation or a dually authorized responsible party or by the owner. The disclosure forms and reports shall contain the following certification statement:

"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.”

The City will evaluate the complete disclosure form and data furnished by the user and may require additional information. Within thirty days after full evaluation and acceptance of the data furnished, the City shall notify the user of the City’s acceptance thereof.

(2) The City reserves the right to amend this chapter and the terms and conditions hereof in order to assure compliance by the City with applicable laws and regulations. The user shall be informed of any proposed changes in the chapter at least thirty days prior to the effective date of change. Any changes or new conditions in the chapter shall include a reasonable time schedule for compliance.

(3) All national categorical pretreatment standards now existing or promulgated in the future shall be adopted by reference as part of this chapter. Where a user, subject to a promulgated national categorical pretreatment standard, has not previously submitted a disclosure form as required hereof, the user shall file a disclosure form with the City within 180 days after the promulgation of the applicable national categorical pretreatment standard by the U.S. EPA. In addition, any user operating on the basis of a previous filing of a disclosure statement shall submit to the City within 180 days after the promulgation of an applicable national categorical pretreatment standard, the additional information required hereof.

(4) Within ninety days following the date for final compliance by the user with applicable pretreatment standards set forth in this chapter or ninety days following commencement of the introduction of wastewater into the POTW by a new source, any user subject to this chapter shall submit to the City a report indicating the nature and concentration of all prohibited or regulated substances contained in its discharge, and the average and maximum daily flow in gallons. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an officer or the corporation or the designated representative, or by the owner, and certified by a qualified engineer (licensed to practice in the State of Ohio).

(5) Any significant industrial user shall submit to the City during the months of June and December, unless required more frequently by the City, a report indicating the nature and concentration, of prohibited or regulated substances in the effluent which are limited by the pretreatment standards hereof. In addition, this report shall include a record of all measured or

estimated average and maximum daily flows during the reporting period reported. Flows shall be reported on the basis of actual measurement, provided however, where cost or feasibility considerations justify, the City may accept reports of average and maximum flows estimated by verifiable techniques. The City, for good cause shown considering such factors as local high or low flow rates, holidays, budget cycles or other extenuating factors may authorize the submission of such reports on months other than those specified above.

(6) Reports of users shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where required by the City. The frequency of monitoring by the user shall be as prescribed in the applicable pretreatment standard of this chapter. All analyses shall be performed in accordance with 40 CFR, Part 136 and amendments thereto. Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator of the U.S. EPA.

(7) All industrial users shall promptly notify the Safety-Service Director in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12(p).

(8) If sampling performed by an industrial user indicates a violation of discharge limitations, the user shall notify the City within twenty-four 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 City within thirty days after becoming aware of the violation, except the user is not required to resample if:

- i. The City performs sampling at the user at a frequency of at least once per month, or
- ii. The City performs sampling at the user between the time when user performs its initial sampling and the time when the user receives the results of this sampling.

(9) If the industrial user monitors any pollutant more frequently than required by the City the results of this monitoring shall be included in the periodic self-monitoring report.

i. Each user shall provide and operate at the user's own expense, a monitoring facility to allow inspection, sampling, and flow measurement of each sewer discharge to the City. Each monitoring facility shall be situated on the user's premises, except where such a location would be impractical or cause undue hardship on the user, the City may concur with the facility being constructed in the Public Street or sidewalk area providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles. The monitoring structure shall have an opening of no less than twenty-two inches diameter and an internal diameter of no less than thirty-six inches containing flow measuring, recording and sampling equipment as required by the City to assure compliance with this chapter. There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications. Construction shall be completed within 120 days of receipt of permit by user.

ii. The City may inspect the monitoring facilities of any user to determine compliance with the requirements of this chapter. The user shall allow the City's representative(s) to enter upon the premises of the user at all reasonable hours, for the purposes of inspection, sampling or records examination. The City shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.

iii. Information and data furnished to the City with respect to the nature and frequency of discharge shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the user.

iv. When requested by a user furnishing a report, the portions of a report which may disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the national pollutant discharge elimination system (NPDES) permit, state disposal system permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the user furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

v. Information accepted by the City as confidential, shall not be transmitted to any governmental agency by the City until and unless a ten-day notification is given to the user.

**Section 8.** That Codified Ordinance Section 913.08 is hereby enacted to read as follows:

**913.08 Enforcement.**

**Administrative Remedies-General**

(1) The City may suspend the wastewater treatment service to person or a User when it appears to the City that an actual or threatened discharge presents or threatens an imminent or substantial danger to the health or welfare of persons, substantial danger to the environment, interfere with the operation of the POTW, violates any pretreatment limits imposed by this chapter, or causes or may cause the City to violate any condition of its NPDES Permit. Any person or User notified of the suspension of the City's wastewater treatment service shall within a reasonable period of time, as determined by the City, cease all discharges. In the event of failure of the person or User to comply voluntarily with the suspension order within the specified time, the City shall commence judicial proceedings immediately thereafter to compel the person's or User's compliance with such order. The City shall reinstate the wastewater treatment service and terminate judicial proceedings pending proof by the User of the elimination of the non-complying discharge or conditions creating the threat of imminent or substantial danger as set forth above.

(2) The City may seek to terminate the wastewater treatment services to any person or User which exhibits significant noncompliance. A User shall be considered in significant non-compliance if its violations meet one or more of the following criteria.

(i) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken during a six month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(ii) Technical review criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements taken during a six-month period equal or exceed the product of the average maximum limit or the average limit times the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except PH);

(iii) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the City believes has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);

(iv) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment and has resulted in the POTW's exercise of its emergency authority under subsection (a) hereof to halt or prevent such a discharge;

(v) Violation, by ninety days or more after the scheduled date, of a compliance schedule milestone contained in a local control mechanism or enforcement order, for starting construction, completing construction or attaining final compliance;

(vi) Failure to provide required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with schedules within thirty days of the due date;

(vii) Failure to accurately report noncompliance; or

(viii) Any other violation or group of violations which the City considers to be significant, including, but not limited to, the violation of required Best Management Practices.

(3) Whenever the Safety-Service Director finds that any User has engaged in conduct which justifies termination of a wastewater treatment services, pursuant to subsections 913.08(1) or (2) hereof, the Safety-Service Director shall serve or cause to be served upon such User, a written notice either personally or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. Within ten days of the date of receipt of the notice, the User shall respond personally or in writing to the Safety-Service Director, advising of its position with respect to the allegations, including an explanation of the violation and a plan for the satisfactory correction and prevention thereof, which response shall include specific required actions. Thereafter, the parties shall meet to ascertain the veracity of the allegations and where necessary, establish a plan for the satisfactory correction thereof.

(4) Where the violation of subsections 913.08(1) or (2) hereof is not corrected by timely compliance by means of administrative adjustment, the Safety-Service Director may order any User which causes or allows conduct prohibited by subsection 913.08 (1) or (2) hereof, to show cause before the Safety-Service Director, or his duly authorized representative, why the proposed service termination action should not be taken. A written notice shall be served on the User by personal service, certified or registered, return receipt requested, specifying the time and place of a hearing to be held by the City or its designee regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action, and directing the user to show cause before the City or its designee why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than ten days before the hearing. Service may be made on any agent, officer or authorized representative of a User. The proceedings at the hearing shall be considered by the City which shall then

enter appropriate orders with respect to the alleged improper activities of the User. Appeal of such orders may be taken by the User in accordance with applicable local or state law.

(5) Following the entry of any order by the City with respect to the conduct of a user contrary to the provisions of subsections (1) and (2) hereof, the Law Director for the City may, following the authorization of such action by the City, commence an action for appropriate legal and/or equitable relief in the appropriate local court.

(6) A list of all significant users which were in significant noncompliance, or the subject of enforcement proceedings pursuant to this Section during the twelve previous months, shall be annually published by the City in the largest daily newspaper, published in the municipality in which the City is located, summarizing the enforcement actions taken against the users during the same twelve months.

(7) Any user or any interested party shall have the right to request in writing an interpretation or ruling by the Safety-Service Director on any matter covered by this chapter. The Safety Service Director, or his/her designee, shall endeavor to provide within 30 days his/her written interpretation or ruling detailing the basis and necessity of the interpretation or ruling and when the same relates to a matter of performance or compliance with this chapter and/or the actions which must be taken to effect compliance. In the event that such inquiry is by a user and deals with matters of performance or compliance with this chapter for which enforcement activity relating to an alleged violation is the subject, receipt of a user's request, shall stay all enforcement proceedings pending receipt of the aforesaid written reply. Decisions of the Safety-Service Director are final appealable orders of the City pursuant to ORC 2506.

(8) Any user which experiences an upset in operations which places the user in a temporary state of noncompliance with this chapter shall inform the City thereof immediately upon first awareness of the commencement of the upset. Where such information is given orally, a written follow-up report thereof shall be filed by the user with the City within five days. The report shall specify:

(i) Description of the upset, the cause thereof and the upset's impact on a user's compliance status.

(ii) Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur.

(iii) All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.

A documented and verified bona fide operating upset shall be an affirmative defense to any enforcement action brought by the City against a

user for any noncompliance with the chapter which arises out of violation alleged to have occurred during the period of the upset.

**Section 9.** That Codified Ordinance Section 913.09 is hereby enacted to read as follows:

**913.09 Records Retention**

All Users subject to this chapter shall retain and preserve for no less than three years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of a user in connection with its discharge. All records which pertain to matters which are the subject of administrative adjustment or any other enforcement or litigation activities brought by the City pursuant thereto shall be retained and preserved by the user until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

**Section 10.** That Codified Ordinance Section 913.10 is hereby enacted to read as follows:

**913.10 Grease Traps; Interceptor Required**

(A) Grease Interceptors

(1) Grease interceptors are required for all food preparation establishments, which may contribute or cause to contribute, directly or indirectly, any water or wastewater, which contains oil or grease. This includes, but is not limited to, restaurants, wineries, cafeterias, cafes, fast food outlets, schools, fraternal organizations, churches, hospitals, nursing homes, and daycare centers.

(2) Grease interceptors are not required for private residences or dwellings.

(3) Other facilities which are “grandfathered” may be excluded from the interceptor requirement; however, if it can be shown that the facilities are contributing in excess of 100mg/L of oil and grease to the wastewater system, a grease interceptor installation shall be required.

(B) Minimum Design Capabilities

(1) Grease interceptors shall, by design or volume, effectively intercept and retain fats, oils and grease from laden wastewater discharged to the City’s sanitary sewer system.

(2) Grease and oil interceptors shall be constructed of impervious materials able of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction; watertight, and equipped with removable covers which when fastened in place shall be gas tight and water tight.

(3) In-line interior grease traps shall not be allowed when these interceptors are not able to achieve compliance.

(4) Grease interceptors shall be readily and easily accessible for user cleaning and City inspectors.

(C) Maintenance of Grease Traps/Interceptors

(1) Maintenance of grease interceptors is the sole responsibility of the owner/operator. The owner/operator must ensure proper operation to achieve compliance, and prevent interference or damage to the collection system.

(2) All grease interceptors must be pumped or cleaned at approximately 75 percent retention capacity or 25 percent total volume of accumulated bottom solids and top grease layer.

(i) They must be pumped dry and the contents hauled and disposed of off-site, at an approved facility.

(ii) Recycling of oil and grease is preferred.

(iii) The use of enzymes, or similar materials for the cleaning of grease interceptors shall not be permitted.

(3) Grease interceptor pumping or cleaning, at a minimum, must be completed at least every three months, unless determined more or less frequent pumping is required.

(4) Discharged water from the grease trap shall not exceed 100mg/L oil and grease at any time, using an EPA approved test procedure specified in 40 CFR.

(5) Documentation and record keeping:

(i) Documentation of grease interceptor pumping or cleaning is required for all facilities.

(ii) Approved documentation shall be a copy of the returned receipt from the contracted pumper/hauler or a copy of a signed maintenance log certified by the User/Operator.

(iii) Documentation and records of grease interceptor pumping/cleaning shall be retained for a minimum of three (3) years.

(D) Right of Entry

Duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of

inspection, observation, measurement, sampling or testing in accordance with the provisions of this chapter.

(E) Penalties

(1) Whoever violates any provision of this section shall be served with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory correction thereof. This time limit is subject to negotiation. The offender shall, within the period of time stated in the notice, permanently cease all violation. A fee of fifty dollars (\$50.00) shall be due and payable to the City at the time of each re-inspection. The City reserves the right to waive this fee at any time.

(2) Whoever continues any violation beyond the time limit stated in such notice is subject to an administrative fine.

(3) Each day such violation continues shall be deemed a separate offense.

- |                       |                   |
|-----------------------|-------------------|
| (i) First violation   | written warning   |
| (ii) Second violation | \$ 50.00 per day  |
| (iii) Third violation | \$ 100.00 per day |
| (iv) Fourth violation | \$ 300.00 per day |

(4) All penalties and fines are due and payable to the City within 30 days after written notice is issued by the Safety-Service Director or other duly authorized representative of the City. Such notices shall be delivered personally or by certified mail, return receipt requested. Unpaid penalties and fines shall constitute a lien against the individual user's property and may be added to the sewer user's next scheduled sewer service charge and the Safety-Service Director shall have such other collection remedies as he has to collect other service charges.

(5) Whoever violates any provision of this chapter shall become liable to the City for any expenses, loss or damage to the wastewater treatment system occasioned by the City and/or any other expense, loss or damage incurred by the City by reason of and resulting from such violation.

**Section 11.** That Codified Ordinance Section 913.11 is hereby enacted to read as follows:

**913.11 Infiltration and Inflow (I/I)**

A. Purpose. The City operates and maintains sanitary sewer systems within the City and by agreement outside of the City. The City operates these systems pursuant to Ohio E.P.A. regulations and the conditions and regulations established in the City's NPDES permits. Excessive infiltration and storm water inflow into

these sanitary sewer systems may result in system overflows and bypasses and excessive loadings on treatment facilities in violation of Ohio E.P.A. regulations and NPDES permit conditions. Additionally, these conditions pose potential public health and safety concerns and impose unnecessary and avoidable system costs.

The City has determined that its sanitary sewer systems may be impacted by excessive infiltration and storm water inflow attributable to private property sewer facilities. The purpose of these rules is to allow for the identification and remediation of excessive infiltration and storm water inflows attributable to private sewer facilities and to establish a policy of enforcement.

B. Definitions. The following definitions apply for purposes of these rules and regulations.

1. Average Metered Water – This is the water meter readings for a period of usage (i.e.: a typical usage month divided by the number of days in the monthly billing period), or yearly readings divided by 365 days, or water reading averaged for a sanitary flow monitoring period to be determined by the Sanitary Engineer.

2. Average Daily Metered Water Usage Rate – This is the Average Daily Metered Water Usage divided by 1440 minutes to calculate a gallon per minute rate of flow.

3. Dry Average Flow – The dry average flow is the amount of water in the collection system on an average dry day expressed in gallons per day. This flow can be measured with portable flow meters or estimated using population equivalents or EDU's for the collection subsystem area.

4. Establishment – Any residence, condominium, homeowner's association, commercial development, industrial development, or institutional development, which has a private sanitary sewer connection to the public sanitary sewer.

5. Infiltration – Water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections or manholes. Infiltration does not include, and is distinguished from, inflow.

6. Inflow – Water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, foundation drains, field tile, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface run-off, street wash water, or drainage. Inflow does not include, and is distinguished from, infiltration.

7. Metered Average Dry Weather Sanitary Flow – This is the Average Daily Metered Flow (in gallons) during a metering period which occurs on non-storm impacted days.

8. Metered Average Dry Weather Sanitary Flow Rate – This is the Metered Average Dry Weather Sanitary Flow (in gallons) divided by 1440 minutes in order to calculate a gallon per minute rate of flow.

9. National Average Daily Dry Weather Flow Rate Per EDU – This is the National Average Daily Dry Weather Flow divided by 1440 minutes to calculate a gallon per minute rate of flow.

10. Ohio EPA/U.S. EPA Theoretical Average Dry Weather Sanitary Flow – This is the Theoretical Daily Design Flow per equivalent dwelling unit (EDU) based on domestic usage of 80 gallons per capita day (gpcd) and four (4) people per EDU or 320 gallons per day (gpd)/EDU for a residential unit. All other classes are converted to EDU's by dividing their Daily Ohio EPA Theoretical Design Flow by 400 gpd, and then multiplying by 320 gpd/EDU to obtain their Theoretical Average Dry Weather Sanitary Flow in gallons per day.

11. Ohio EPA/U.S. EPA Theoretical Average Dry Weather Sanitary Flow Rate – This is the Ohio EPA/U.S. EPA Theoretical Average Dry Weather Sanitary Flow divided by 1440 minutes to calculate a gallon per minute rate of flow.

12. Safety-Service Director – The City of Port Clinton Safety-Service Director.

13. Sanitary Sewers – A conduit intended to carry liquid and water-carried waste from residences, commercial buildings, industrial plants, and institutions together with non-excessive quantities of ground, storm, and surface waters.

14. Sanitary Sewer User – A person, firm, or corporation owning, leasing, or occupying real property within the jurisdiction of the City sewer system, which property is served by a connection to sanitary sewers maintained or operated by the City. The real property served may be residential, commercial, governmental, or industrial.

15. Wet Maximum Flow – (Metered) - The amount of water flowing from the collection system during wet weather conditions with saturated soils averaged over on 24-hour period measured in gallons per day. This flow rate shall be measured with portable flow meters.

16. Wet Peak Flow – (Metered) – The peak incremental flow observed flowing from the collection system during wet weather conditions with saturated soil measured in gallons per minute. This could be in increments of

15 minutes, but no more than hourly. This flow rate shall be measured with portable flow meters.

17. Calculated Wet Maximum Flow – This calculated value is based on the theoretical dry average flow value per EDU plus an appropriate I/I allowance multiplied by the calculated number of EDUs. The value used for this policy is 960 gpd per EDU. This value is compared to the wet maximum flow observed over a 24-hour period for one (1) EDU. Calculations for this value can be found in Table “A” of this section.

18. Calculated Wet Peak Flow – This calculated value is based on the theoretical dry average flow value per EDU plus an appropriate I/I allowance multiplied by the calculated number of EDUs. The value used for this policy is 0.889 gpm per EDU. This value is compared to the wet peak flow observed over a one hour period for one (1) EDU. Calculations for this value can be found in Table “A” of this section.

C. Duty of Property Owner to Maintain. It is the duty of the owner of real property served by a connection to sanitary sewers maintained or operated by the City to construct, operate, and maintain all sanitary sewer facilities located on or within the owner’s real property in accordance with all applicable state and local laws, statutes, rules and regulations including, but not limited to, Ohio E.P.A. regulations and the City of Port Clinton Wastewater Rules and Regulations and Codified Ordinances of the City.

D. Prohibited Inflow.

1. No person, including the property owner or sanitary sewer user, shall connect storm water inflow to sanitary sewers maintained and operated by the City, nor shall such person cause, permit, or allow inflow into such sanitary sewers except by written permission of the Safety-Service Director.

2. Whenever the Safety-Service Director determines that Section 9.13.11(D)(1) has been, or is being, violated, he shall issue a written order to the property owner and/or sanitary sewer user to disconnect such unlawful connection or otherwise remove or relocate the unlawful inflow in accordance with applicable building or health codes or other state or local regulations.

3. Any unlawful connection or inflow under this section constitutes a nuisance subject to injunctive relief and abatement pursuant to Chapter 3767 of the Ohio Revised Code or as otherwise permitted by law.

4. Any person violating this section is subject to penalties provided in Section 913.99 of the Port Clinton Codified Ordinances. Any person subject to written order of the Safety-Service Director pursuant to Section 913.11(D)(2) is entitled to appeal pursuant to Section 105.04 of the Port Clinton Water Regulations and By-Laws.

5. Upon continuing violation of this section or written order issued pursuant to this section, the Safety-Service Director may restrict flow or disconnect sewer service. Except in a case of emergency, disconnections shall occur no earlier than thirty (30) days after service of written notice of disconnection.

E. Excessive Infiltration Defined. For purposes of these rules and regulations, “excessive infiltration” is defined to be that infiltration which violates two (2) or more of the following standards of acceptable practice:

1. Where metered sanitary sewer flows or physical timed monitoring of the same exceed three (3) times the water meter flows during the same general monitoring period.

2. Where wet maximum (metered) sanitary sewer flows or physical timed monitoring of the same exceed three (3) times the water meter flows during the same general monitoring period.

3. Where the wet peak (metered) sanitary flow exceeds the metered average dry weather sanitary flow rate or Average Monthly Metered Water Usage Rate by four (4) times during any 15 minute or one hour daily incremental period.

4. Where direct visual observation by an authorized City representative has determined a potential infiltration contribution source and where such occurrence is documented in a dated observation report.

5. Where the wet maximum flow measured exceeds the Ohio EPA/U.S. EPA Theoretical Average Dry Weather (daily or monthly) Sanitary Flow by three (3) times. Example – 3 X 320 gpd/E.D.U. in a 24 hour period

6. Where the peak flow measured exceeds the Ohio EPA/U.S. EPA Theoretical Average Dry Weather (daily or monthly) Sanitary Flow Rate by four (4) times for any incremental hourly period. Example – 4 X 320 gpd/E.D.U. in any 1 hour period

7. Where dye testing, smoke testing, or internal video inspection indicates potential infiltration contribution sources which could contribute to excessive infiltration in the system.

8. Where dry weather metered sanitary flows exceed metered water usage by 2:1 during the metering period. This testing would be not related to an actual rainfall event, but could be subsequent to an event.

F. Excessive Infiltration and Enforcement of Remediation. Where real property served by a connection to sanitary sewer maintained or operated by the City is suspected by the Safety-Service Director of contributing excessive

infiltration and/or inflow to the City sanitary sewer system, the Safety-Service Director shall determine and enforce remediation as follows:

1. The Safety-Service Director, or his agent, may conduct an inspection of the private collection system(s) located on the subject real property. The inspection may include visual or video observation, smoke testing, flow metering, or use of other means commonly accepted in the industry.
2. The property owner and/or sanitary sewer user shall cooperate with the Safety-Service Director, and/or his agent, with the inspection including, but not limited to, allowing reasonable access to private property and providing pertinent data.
3. Following the flow monitoring, the Safety-Service Director will determine the excessive infiltration/inflow, if any, and issue a written Notice of Violation to the property owner and/or sanitary sewer user.
4. The property owner and/or sanitary sewer user shall, within fourteen (14) days of receipt, notify the Safety-Service Director in writing acknowledging the written Notice of Violation.
5. The property owner and/or sanitary sewer user shall, within thirty (30) days after acknowledging receipt of the Notice of Violation or such other time as the Safety-Service Director allows, meet with the Safety-Service Director and/or his representative to discuss the Notice of Violation and remedial action to be taken.
6. The property owner shall, when required by the Safety-Service Director, within sixty (60) days after acknowledging receipt of the Notice of Violation, or such other time as the Safety-Service Director allows, employ a professional engineer to prepare a written Sewer System Evaluation Survey, which identifies the following:
  - a. The sources of the infiltration/inflow including the means and methods used to derive each source, testing results, videos and any other information available.
  - b. Necessary actions to repair, replace, or correct defective sewer facilities located on or within the private property to eliminate excessive infiltration/inflow;
  - c. Estimated cost of repair, replacement, and/or correction;
  - d. Proposed schedule for remediation.
7. The property owner, when required by the Safety-Service Director and within one hundred fifty (150) days after acknowledging receipt of the Notice of Violation or such other time as the Safety-Service Director allows, shall

submit to the Safety-Service Director an Infiltration/Inflow Remediation Plan prepared by a professional engineer. The Remediation Plan shall include a recommendation by the engineer identifying the remediation actions necessary to eliminate the excessive infiltration/inflow. The remediation action may include the repair, replacement or correction of defective sewer facilities referenced in the engineers report using commonly accepted industry practices including, but not limited to, sealing, chemical grouting, pipe lining, relining, sewer and manhole replacement.

8. The proposed remediation action shall be subject to the approval of the Safety-Service Director. The Safety-Service Director shall consider the degree of excessive infiltration/inflow, proper remediation techniques, effectiveness, and cost. The property owner shall, within sixty (60) days of the approval of the Remediation Plan by the Safety-Service Director, submit detailed replacement plans prepared by a professional engineer identifying the remediation work to be performed.

9. Upon the approval of the Safety-Service Director, the property owner shall submit to the Ohio EPA the detailed replacement plans requesting an OEPA issued Permit to Install. The property owner shall subsequently apply for a repair permit from the City of Port Clinton.

10. The property owner shall have ninety (90) days to complete the remediation work from the date the City permit is issued.

G. Prohibitions.

1. No person, including the property owner, shall fail to comply with the provisions of Section 913.11(F) or shall fail to remediate excessive infiltration/inflow conditions pursuant to a written Notice of Violation issued by the Safety-Service Director under Section 913.11(F)(3).

2. No person, including the property owner, shall cause, permit, or allow excessive infiltration/inflow into the sanitary sewer maintained and operated by the City after receipt of a written Notice of Violation issued by the Safety-Service Director pursuant to Section 913.11(F)(3).

3. Any unlawful excessive infiltration/inflow under this section shall constitute a nuisance subject to injunctive relief and abatement pursuant to Chapter 3767 of the Ohio Revised Code or otherwise permitted by law.

4. Upon continuing violation of this section or written Notice of Violation issued by the Safety-Service Director, the Safety-Service Director may restrict flow or disconnect sewer service. Except in a case of emergency, disconnection shall occur no earlier than thirty (30) days after service of a written notice of disconnection.

## *INFILTRATION AND INFLOW*

TABLE "A"

### Calculation for Infiltration/Inflow:

Since Ohio EPA uses 400 gallons per day per equivalent dwelling unit (EDU) as a design standard and Port Clinton uses the Ohio EPA standard as a basis for current billing, the SSES Policy was correlated with this standard while using the U.S. EPA handbook *Sewer System Infrastructure Analysis and Rehabilitation* and the American Society of Civil Engineers' *Existing Sewer Evaluation and Rehabilitation, WEF Manual of Practice FD-6, ASCE Manuals and Reports on Engineering Practice No. 62*, second edition, as additional resources.

The Ohio EPA Standard is based on 100 gallons per capita day (gpcd) usage and four (4) people per family or 400 gpd/EDU. The Ohio EPA 100 gpcd standard could be further allocated as 80 gpcd for domestic flow and 20 gpcd as infiltration based on U.S. EPA criteria.

The ASCE's *Existing Sewer Evaluation and Rehabilitation, Existing Sewer Evaluation and Rehabilitation, WEF Manual of Practice FD-6, ASCE Manuals and Reports on Engineering Practice No. 62*, second edition, states, "Even in a well constructed, separated system, the ratio of wet maximum to dry average usually ranges from 2 to 3 and wet peak to dry average from 3 to 4; higher values indicated a more pronounced problem.

- A. Ohio EPA EDU = 400 gpd (based on 100 gpcd)  
= 320 gpd (based on 80 gpcd domestic flow)  
= Wet Max = 3 x 320 = 960 gpd/EDU  
= Wet Peak = 4 x 320 = 1,280 gpd/EDU

### Summary

1. The highest wet maximum flow would be 960 gpd per EDU. Under no circumstances will the acceptable wet maximum flow exceed this amount.
2. The highest wet peak flow would be 1,280 gpd per EDU divided by 1440 minutes = 0.889 gpm. Under no circumstances will the acceptable wet peak flow rate exceed this amount.

The Director of Public Safety and Service or his authorized representative shall be charged with the enforcement of these regulations, shall conduct such surveys as may be necessary to detect any existing connection of roof drains to sanitary sewers, and the Director or his authorized representative bearing proper credentials shall be permitted to enter upon all properties for the purpose of inspection, observation and testing in accordance with the provisions of this chapter.

Section 12. That Codified Ordinance Section 913.12 is hereby enacted to read as follows:

**913.12 REGULATION OF WASTEWATER RECEIVED FROM OTHER POLITICAL SUBDIVISIONS/ SATELLITE COLLECTION SYSTEMS**

- (a) If another political subdivision, or user located within another political subdivision, contributes wastewater to the POTW, the Director shall enter into an inter-jurisdictional agreement with the contributing political subdivision.
- (b) Prior to entering into an agreement required by subsection (a), the Director shall request the following information from the contributing political subdivision:
  - (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing political subdivision;
  - (2) An inventory of all users located within the contributing political subdivision that are discharging to the sanitary sewer system; and
  - (3) Such other information as the Director may deem necessary.
- (c) An inter-jurisdictional agreement as required by subsection (a) shall contain the following conditions:
  - (1) A requirement that the contributing political subdivision adopt a sewer use regulation which is at least as stringent as this Chapter and local limits, including required baseline monitoring reports, that are at least as stringent as those set out in Section 913.04 of this Chapter. The requirement shall specify that the political subdivision's ordinance and limits shall be revised as necessary to reflect changes made to this Chapter and local limits;
  - (2) A requirement for the contributing political subdivision to submit a revised user inventory on at least an annual basis;
  - (3) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection, sampling, and enforcement, will be conducted by the contributing political subdivision; which of these activities will be conducted by the Director; and which of these activities will be conducted jointly by the contributing political subdivision and the Director;
  - (4) A requirement for the contributing political subdivision to provide the Director with access to all information that the contributing political subdivision obtains as part of its pretreatment activities;
  - (5) Limits on the nature, quality, and volume of the contributing political subdivision's wastewater at the point where it discharges to the City sewer system;
  - (6) Requirements for monitoring the contributing political subdivision's discharge;
  - (7) A provision ensuring the Director access to the facilities of users located within the contributing political subdivision'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-jurisdictional agreement.

**Section 13.** That Codified Ordinance Section 913.99 is hereby amended to read as follows:

**913.99 Penalty**

(a) Administrative Fine. Notwithstanding any other section of this chapter, any person or User who is found to have violated any provision of this chapter, or permits and orders issued hereunder, shall be fined by the Safety-Service Director in an amount not to exceed one thousand dollars (\$1,000) per violation. Each day on which noncompliance occurs or continues shall be deemed a separate and distinct violation. Such assessments may be added to the person's or User's next scheduled sewer service charge and the Safety-Service Director shall have such other collection remedies as he has to collect other service charges. Unpaid charges, fines and penalties shall constitute a lien against the individual user's property. Any person or Industrial User desiring to dispute such fines shall file a request for the Safety-Service Director to reconsider the fine within ten days of being notified of the fine. Where the Safety-Service Director believes a request has merit, he shall convene a hearing on the matter within fifteen days of receiving the request from the person or Industrial User.

(b) Injunctive Relief. Whenever any person or an Industrial User has violated or continues to violate the provisions of this chapter or permit or order issued hereunder, the Safety-Service Director, through counsel, may petition the Court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the person or Industrial User. The Safety-Service Director shall have such remedies to collect these fees as it has to collect other sewer service charges.

(c) Civil Penalties.

(1) Any Industrial User who has violated or continues to violate this chapter or any order or permit issued hereunder, shall be liable to the City for a civil penalty of not more than one thousand dollars (\$1,000) plus actual damages incurred to the POTW per violation per day for as long as the violation continues. In addition to the above described penalty and damages, the City may recover reasonable attorney's fees, court costs and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

(2) The City Law Director shall petition the Court to impose, assess and recover such sums.

(3) In determining the amount of the Administrative Fine or Civil Penalty to be assessed for violations of this Chapter, the following factors may be

considered: (a) the economic benefit derived by the violator from the deferral of remedial action; (b) the degree of environmental harm and/or POTW damage caused from the violation; (c) the recalcitrance of the violator; (d) good faith efforts by the violator to take appropriate remedial action; and (e) the duration of the violation.

(d) Criminal Prosecution.

(1) Violations generally. Any industrial user who willfully or negligently violates any provision of this chapter or any orders or permits issued hereunder shall be fined not to exceed twenty-five thousand dollars (\$25,000) or imprisoned for not more than one year, or both.

(2) Whoever violates any provision of this chapter shall upon conviction be guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000.00) and be subject to imprisonment of not more than six months, for each offense. A separate offense shall be deemed to have been committed for each day that such violation continues after a period of thirty days following the original conviction.

(3) Falsifying information. Any industrial user who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or wastewater permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter shall be fined not more than twenty-five thousand dollars (\$25,000).

(e) In addition to the penalties authorized in this section, the City may recover its cost of investigating and remediating violations of this Chapter plus the cost of pursuing civil or criminal actions related to any violation of this Chapter. All penalties and fines collected under this Chapter shall be credited to the Sewer Fund of the City.

**Section 14.** That existing Sections 913.01, 913.02, 913.03, 913.04, 913.05 and 913.99 as currently enacted are hereby repealed.

**Section 15.** This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council, and any of its committees, that resulted in those actions were in meetings open to the public, in compliance with the law.

**Section 16.** This ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed \_\_\_\_\_, 2016

\_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council

Approved \_\_\_\_\_, 2016

\_\_\_\_\_  
Mayor