

TITLE THREE - Utilities

Chap 931 Sewer Regulations.

Chap 933 Sewer Charges.

Chap 937 Water Regulations and

CHAPTER 931
Sewer Regulations

931.01	Definitions.	931.09	Powers and authority of inspectors.
931.02	Use of public sewers required.	931.10	Waste discharge
931.03	Private sewage disposal.	931.11	Wastewater Hearing Board.
931.04	Building sewers and connections.	931.12	Confidential information.
931.05	Use of the public sewers.	931.13	Enforcement procedures.
931.06	Protection from damage.	931.99	Penalties.
931.07	Wastewater discharge permits.		
931.08	Reporting and monitoring requirements.		

CROSS REFERENCES

Power to license sewer tappers and vault cleaners - see Ohio *R.C.* 715.27
Power to regulate water closets and privies - see Ohio *R.C.* 715.40
Power to construct sewerage system - see Ohio *R.C.* 715.40, 717.01
Compulsory sewer connections - see Ohio *R.C.* 729.06
Management and control of sewerage system - see Ohio *R.C.* 729.50
Regulations to control house sewers and connections - see Ohio *R.C.* 729.51
Untreated sewage - see Ohio *R.C.* 3701.59 Interference with sewage flow - see Ohio *R.C.* 4933.24
Sewerage districts - see Ohio *R.C.* 727.44 et seq.
Assessments - see Ohio *R.C.* Ch. 729
Household sewage disposal systems - see OAC Ch. 3701-29

931.01 DEFINITIONS.

The following rules and regulations affecting the type and character of sewage, industrial wastes, water, liquids, materials, substances or other wastes to be admitted to the sewage system of the City are hereby established.

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

- (1) ***“Federal Act”*** or ***“The Act”*** means the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and Amendments of 1977, (Public Law 95-217) and any other amendments thereto; as well as any guidelines, limitations and standards promulgated by the U.S. Environmental Protection Agency pursuant to the Act.
- (2) ***“BOD”*** (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20⁰C, expressed in milligrams per liter.
- (3) ***“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, beginning five feet (1.5 meters) outside the inner face of the building wall.
- (4) ***“Building sewer”*** means the extension from the building drain to the public sewer or other place of disposal.
- (5) ***“Bypass”*** means the intentional diversion of waste streams from any portion of an Industrial User’s treatment facility.
- (6) ***“City”*** means the City of Girard, Ohio.
- (7) ***“Combined sewer”*** means a sewer designed to receive both surface runoff and sewage.
- (8) ***“Compatible pollutant”*** includes biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the City’s National Pollutant Discharge Elimination System (NPDES) Permit, providing the City’s wastewater treatment plant is designed to treat such pollutants and in fact does remove such pollutants to a substantial degree.
- (9) ***“COD”*** (denoting Chemical Oxygen Demand) means the quantity of oxygen utilized in the chemical oxidation of organic matter expressed in milligrams per liter.
- (10) ***“Service Director”*** means that person designated by the City to perform the duties of administering the Pretreatment Program, and other duties as specified in this chapter, or his authorized representative.
- (11) ***“Domestic wastewater”*** means the liquid wastes from residences, business buildings, institutions, commercial, industrial and manufacturing establishments contributed by reason of human occupancy.
- (12) ***“Engineer”*** means the City Engineer of the City of Girard, Ohio or his authorized agent.
- (13) ***“Garbage”*** means solid waste from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- (14) ***“Incompatible pollutant”*** refers to all pollutants other than compatible

pollutants as defined herein above, for which the City's wastewater treatment works was not designed to treat and in fact does not remove to any substantial degree.

- (15) "**Indirect Discharge**" means the introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c) or (d) of the Act.
- (16) "**Industrial User**" means a source of Indirect Discharge.
- (17) "**Industrial wastewater**" means the liquid wastes from manufacturing processes, trade or business or from the development, recovery or processing of natural resources, as distinct from domestic wastewater.
- (18) "**Interference**" means a Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
- A.** Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
 - B.** Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title 11, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
- (19) "**National Categorical Pretreatment Standard or Pretreatment Standard**" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1347) and amendments thereto which apply to a specific category of Industrial Users.
- (20) "**National Prohibitive Discharge Standard or Prohibitive Discharge Standard**" means any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5, and amendments thereto.
- (21) "**Natural outlet**" means any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.
- (22) "**New source**" means 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© of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
- A.** The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - B.** The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

- C. The production of wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site.
- (23) “***Nonsignificant industrial user***” means an industrial user that discharges domestic wastewater, industrial wastewater containing only compatible pollutants in acceptable amounts and/or non-contact cooling water.
- (24) “***Normal strength sewage or wastes***” as defined for the purpose of determining surcharge means sewage having an average daily suspended solids concentration of not more than 400 mg/l, and average daily BOD concentration of not more than 350 mg/l nor which contains any of the characteristics prohibited by Section 931.05.
- (25) “***NPDES Permit***” means the National Pollutant Discharge Elimination System permit issued to the City.
- (26) “***Ohio EPA***” means the State of Ohio Environmental Protection Agency or successor agencies.
- (27) “***Pass Through***” means a Discharge which exits the POTW into waters of the United States 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 POTW’s NPDES permit (including an increase in the magnitude or duration of a violation).
- (28) “***Person***” means any individual, firm, company, association, society, corporation or group.
- (29) “***pH***” means the negative logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (30) “***Priority pollutant***” refers to toxic pollutants regulated under Section 307 of the Federal Act.
- (31) “***POTW***” means the Publicly Owned Treatment Works.
- (32) “***Properly shredded garbage***” means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the public sewers with no particle greater than one-half inch (1.27 centimeters) in any dimension.
- (33) “***Public sewer***” means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- (34) “***Sanitary sewage***” means a combination of the water-carried waste from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.
- (35) “***Sanitary sewer***” means a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.
- (36) “***Service Director***” means the Director of Public Services of the City or his duly authorized agents.
- (37) “***Sewage treatment plant***” means any arrangement of devices and structures used for treating sewage.
- (38) “***Sewage Works***” means all facilities for collecting, pumping, treating and disposing of sewage.

- (39) “**Sewer**” means a pipe or conduit for carrying sewage.
- (40) “**Shall**” is mandatory; “may” is permissive.
- (41) “**Significant industrial user**” means:
- A. Except as provided in part B. of this section, the term Significant Industrial User includes:
 - 1. All industrial users subject to categorical pretreatment standards: and,
 - 2. Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW; 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 has a reasonable potential, in the opinion of the Service Director, to adversely affect the POTW’s operation or for violating any pretreatment standard or requirement.
 - B. The Service Director may at any time, on its own initiative or in response to a petition received from an industrial user, determine that a non-categorical 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.
- (42) “**Slug**” or “**Slug Load**” means any pollutant, including oxygen demanding pollutants (BOD, COD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.
- (43) “**Storm drain**” (sometimes termed “storm sewer”) means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- (44) “**Superintendent**” means the Superintendent of Sewage Works and/or Water Pollution Control of the City of Girard, Ohio or his authorized deputy, agent or representative.
- (45) “**Suspended solids**” means solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.
- (46) “**Upset**” means an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (47) “**USEPA**” means the United States Environmental Protection Agency, sometimes referred to as “Federal Agency”.
- (48) “**Watercourse**” means a channel in which a flow of water occurs, either continuously or intermittently.
- (49) “**Wastewater Hearing Board**” means that Board appointed according to Section 931.11.

(Ord. 6311-91. Passed 11-13-91.)

931.02 USE OF PUBLIC SEWERS REQUIRED.

- (a) 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 under the jurisdiction of the City, any human or animal excrement or any objectionable waste.
- (b) No person shall discharge to any natural outlet within the City or in any area under the jurisdiction of the City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
- (c) Except as hereinafter provided, no person shall construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage within or under the jurisdiction of the City.
- (d) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right of way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter within ninety days after date of official notice to do so, provided that the public sewer is within one hundred feet (30.5 meters) of the property line.

(Ord. 6311-91. Passed 11-13-91.)

931.03 PRIVATE SEWAGE DISPOSAL.

- (a) Where a public sanitary or combined sewer is not available under the provisions of Section 931.02(d), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter.
- (b) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the City Engineer. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the City Engineer. A permit and inspection fee of ten dollars (\$10.00) shall be paid to the City at the time the application is filed.
- (c) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the City Engineer. He shall be allowed to inspect the work at any state of construction and, in any event, the applicant for the permit shall notify the Engineer when the work is ready for final inspection, and before any underground portions are covered. The inspection

shall be made within three days of the receipt of notice by the City Engineer.

- (d) The type, capacities, location and layout of the private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Ohio. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
 - (e) At such time as public sewer becomes available to a property served by a private sewage system, as provided in Section 931.02(d) hereof, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
 - (f) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.
 - (g) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by a City, County or State Health Officer.
- (Ord. 6311-91. Passed 11-13-91.)

931.04 BUILDING SEWERS AND CONNECTIONS.

- (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Engineer.
- (b) There shall be two classes of building sewer permits:
 - (1) For residential and commercial service, and
 - (2) For service to establishments producing industrial wastes.In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Engineer. A permit and inspection fee of one-hundred dollars (\$100.00) for a residential or commercial building sewer permit and two-hundred and fifty dollars (\$250.00) for an industrial building sewer permit shall be paid to the City at the time the application is filed.
- (c) All costs and expenses incident to the installation and connection of the building shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (d) Whenever more than one building is to be connected to the sanitary sewer, one common building sewer shall be provided with the appropriate sampling manhole and flow measurement device whenever necessary.

- (e) Functional existing sewers may be used in connections with new buildings only when they are found, on examination and test by the Engineer to meet all requirements of this chapter.
 - (f) The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Codes or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.
 - (g) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building sewer shall be lifted by an approved means and discharged to the building sewer.
 - (h) No person shall make connection of roof downspouts, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
 - (i) The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Codes or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Engineer before installation.
 - (j) The applicant for the building sewer permit shall notify the Engineer when the building sewer is ready for inspection and connection to the public sewer. The connections shall be made under the supervision of the City Engineer.
 - (k) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.
- (Ord. 6311-91. Passed 11-13-91.)

931.05 USE OF THE PUBLIC SEWERS.

- (a) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.
- (b) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the City Engineer, to a storm sewer, combined sewer or natural outlet.

(c) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer.

- (1) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test method specified in 40 CFR 261.21.
- (2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, render sludges unfit for reclamation or reuse, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

- (3) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structure, equipment and personnel of the sewage works.

COUNCIL AMENDMENT:6960-98

AN ORDINANCE AMENDING CHAPTER 931.05, SECTION (C)(3) OF THE CODIFIED ORDINANCES OF THE CITY OF GIRARD, OHIO.

NOW THEREFORE, BE IT ORDAINED by the Thirty-ninth Council of the City of Girard, Ohio:

SECTION 1: That Chapter 931.05 Section (C)(3) of the codified ordinances of the City of Girard, Ohio is hereby amended to read as follows:

Any waters or wastes shall not have a ph less than 6.5 S.U. nor greater than 9.0 S.U. or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

SECTION 2: That all other provisions of chapter 931.05 remain in full force and effect and unchanged.

(Ord . 6960-98. Passed Sept. 14, 1998)

- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

- (5) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
 - (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil original in amounts that will cause interference or Pass Through the POTW.
- (d) No person shall discharge or cause to be discharged the following described substances, materials, water or wastes without first obtaining a wastewater discharge permit which specifies the conditions for discharge of such wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In issuing a discharge permit, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances limited are:
- (1) Any liquid or vapor having a temperature higher than 104°F (40°C).
 - (2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 104°F (0 and 40°C).
 - (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent.
 - (4) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
 - (5) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.
 - (6) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
 - (7) Any waters or wastes having a pH in excess of 9.0 SU.
 - (8) Material which exert or cause the following:
 - A.** Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - B.** Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - C.** Unusual BOD, COD or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

D. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein. No holding tank wastes may be discharged without prior written approval of the Superintendent.

- (9) Waters or wastes containing substances which are not amendable to treatment or reduction by the sewage treatment processes employed, or are amendable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(e) Federal Categorical Pretreatment Standards.

- (1) Upon promulgation of the Federal Categorical Pretreatment Standard for control of toxic pollutants as designated in Section 307(a) of the Federal Act for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The Superintendent shall notify all affected Users of the applicable reporting requirements under 40 CFR, Section 403.12, and shall modify affected users wastewater discharge permits accordingly as provided in Section 931.07(c).
- (2) Where the City's Wastewater Treatment works achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the City may apply to the State Approval Authority for modification of specific limits in the Federal Pretreatment Standards. "Consistent removal" means reduction in the amount of a pollutant or alteration of the nature of the pollutant by the Wastewater Treatment Works to a less toxic or harmless state in the effluent which is achieved by a system in ninety-five percent (95%) of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) and amendments thereto of Title 40 of the Code of Federal Regulations, Part 403, "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The City may modify pollution discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR, Part 403, Section 403.7 are fulfilled and prior approval from the Approval Authority is obtained.
- (3) State requirements and limitations on discharges shall apply in any case where they are more strength than Federal requirements and limitations or those in this chapter.
- (4) New Sources shall install and have in operating condition, and shall "start-up" pollution control equipment required to meet applicable Pretreatment Standards before beginning to discharge. Within the shortest feasible time (not to exceed ninety days), New Sources must meet all applicable Pretreatment Standards. New Sources are required to submit Baseline Monitoring Reports (BMR's) at least ninety days prior to commencement of discharge. New Sources are required to include information on pretreatment methods they intend to use, and provide data on production, flow and amounts of regulated pollutants on a schedule as determined by the Service Director.
- (5) When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Service Director may convert the limits to equivalent limitations expressed either as

equivalent mass per day or concentration limits for purposes of calculating effluent limitations applicable to individual industrial users.

- (6) Equivalent limitations calculated in accordance with paragraphs 40 CFR 403.6(c)(3) and 40 CFR 403.6(c)(4) shall be deemed Pretreatment Standards for the purposes of Section 307(d) of the Act and this chapter. Industrial Users will be required to comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limitations were derived.
- (f) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers which waters contain the substances or possess the characteristics enumerated in subsection (d) hereof, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:
- (1) Reject the wastes.
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewer.
 - (3) Require control over the quantities and rates of discharge to the public sewers.
 - (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection (j) hereof. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances and laws.
 - (5) Require the discharger to obtain a wastewater discharge permit in which wastewater conditions and limitations are specified as provided in Section 931.07.
- (g) Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily accessible for cleaning and inspection.
- (h) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
- (i) When necessary, by contract or ordinance, to establish rates to be charged for specific types of wastes, or wastes which have a strength exceeding 2,919 lbs. BOD5 per million gallons (350 mg/l) and/or 3,336 lbs. suspended solids per million gallons

(400 mg/l), the Service Director shall determine a method by which to establish such a rate. Such rates or charges shall be subject to approval of the City Council which shall investigate the rates and agree to establish or reject the rates.

- (j) Shut-off valves shall be installed on all industrial connections to the sewer system at the expense of the industry making the connection. The valve will be controlled only by the Service Director or his authorized personnel.
- (k) A non-clog type of measuring device or other approved measuring device shall be installed on all industrial discharge lines connected to the sewer system and continuous type recording devices (twenty-four hour) shall be installed at the Wastewater Works and telemetering shall be provided for and maintained, whenever flows from the industry exceeds 100,000 gallons per day. The installation and maintenance for this equipment shall be borne by the industry discharging the industrial wastes.
- (l) Changes in any industrial process, from which the wastes are to be discharged into the sewerage system, shall be brought to the attention of the Service Director before the discharge is made.
- (m) Consistent with Federal regulations, the City reserves the right to establish by ordinance more stringent limitations or requirements on dischargers or the POTW if deemed necessary to comply with the objectives of this chapter.
- (n) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor, by the industrial concern, provided that the conditions of Section 931.05(c) are not violated.
- (o) No person shall access the sewer system or POTW for any activity including discharge of hauled septic or industrial wastes except at locations and at times as designated by the Service Director. 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 Service Director, or without the expressed permission of the Service Director, shall be considered a violation and shall be subject to enforcement action including fines and penalties allowed under this chapter.

(Ord. 6311-91. Passed 11-13-91.)

AN ORDINANCE AMENDING CHAPTER 931.05 OF THE CODIFIED ORDINANCES OF THE CITY OF GIRARD REGARDING THE LOCAL INDUSTRIAL DISCHARGE LIMITATIONS FOR THE CITY OF GIRARD WASTEWATER TREATMENT WORKS.

NOW, THEREFORE, BE IT ORDAINED by the Forty-Second Council of the City of Girard, Ohio:

SECTION 1: Council hereby amends Chapter 931.05 of the Codified Ordinances of the City of Girard regarding the local industrial discharge limitations for the City of Girard Wastewater Treatment Works as follows:

Pollutant	Proposed Industrial Local Limits (mg/l)
Cadmium	0.25 mg/l
Chromium (total)	7.00 mg/l
Chromium (hexavalent)	None
Copper	0.20 mg/l
Cyanide	0.61 mg/l
Lead	0.60 mg/l
* Mercury	0.0002 mg/l
Nickel	2.45 mg/l
Silver	0.050 mg/l
Zinc	4.20 mg/l

***IF A VIOLATION OCCURS FOR MERCURY, THE INDUSTRY WILL BE REQUIRED TO CHANGE THE METHOD OF ANALYSIS TO METHOD 1631 FOR THE DURATION OF THE AUTHORIZATION TO DISCHARGE PERMIT.**

(Ord. 7330-04. Passed June 28,2004)

931.06 PROTECTION FROM DAMAGE.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the sewage works.

(Ord. 6311-91. Passed 11-13-91.)

931.07 WASTEWATER DISCHARGE PERMITS.

(a) In addition to the sewer connection permit requirements in Section 931.04, wastewater discharge permits are required as follows for industrial and commercial users presently contributing to or proposing to connect or contribute to the wastewater system.

- (1) Significant industrial users as defined herein;
- (2) Any commercial or industrial user discharging wastes subject to the conditions of Section 931.05(e) and (f).

(b) Industrial users required to obtain a wastewater discharge permit shall complete and file with the Service Director an application in the form prescribed by the Service Director. Existing industrial users shall apply for a wastewater discharge permit within ninety days after the effective date of this chapter and shall obtain

such permit within 180 days after the effective date of this chapter. Proposed new industrial users shall apply at least ninety days prior to connection to or contributing to the City Wastewater Disposal Facilities and shall have obtained such permit before connection or contribution is made. When new categorical standards are promulgated Industrial Users subject to these standards shall submit an updated wastewater discharge permit application within 180 days of the date on which the standard is promulgated. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, address and location (if different from the address);
- (2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- (3) Wastewater constituents and characteristics as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 1136, as amended;
- (4) Time and duration of contribution;
- (5) Average daily and peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by the size, location and elevation;
- (7) Description of activities, facilities and plant processes on the premises including all material which are or could be discharged;
- (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by the City, State or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable Pretreatment Standards;
- (9) If additional pretreatment and/or O & M will be required to meet the Pretreatment Standards; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to this schedule:
 - A. The schedule shall contain increments of progress 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 (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
 - B. No increment referred to in subsection (b)(9)A, shall exceed nine

months.

C. No later than fourteen days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Service Director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with the increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the Service Director,

- (10) Each product produced by type, amount, process or processes and rate of production;
- (11) Type and amount of raw materials processed (average and maximum per day);
- (12) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system; (13) Any other information as may be deemed by the Service Director to be necessary to evaluate the permit application.

The Service Director will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Service Director may issue a wastewater discharge permit subject to terms and conditions provided herein.

- (c) Within six months of the promulgation of a National Categorical Pretreatment Standard, or amendment thereto, the permit of users subject to such standards will be revised to require compliance with such standards. Industrial users will also be required to submit Baseline Monitoring Reports within six months of the promulgation of a National Categorical Pretreatment Standard or amendment thereto. Industrial Users shall be required to achieve compliance with the standards within three years.
- (d) Industrial users who have not previously submitted an application for a wastewater discharge permit will be required to do so as required by Section 931.07(a) hereof. The terms and conditions of every permit shall be subject to modification by the Service Director during the term of the permit. The permit holder shall be informed of any proposed changes in his permit at least thirty days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- (e) Wastewater discharge permits shall be subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the Service Director. Permits shall contain the following:
 - (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a public sewer;
 - (2) Limits on the average and maximum wastewater constituents and characteristics;
 - (3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;

- (4) Requirements for installation and maintenance of inspection and sampling facilities;
 - (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and
 - (6) Compliance schedule;
 - (7) Requirement for submission of technical reports or discharge reports;
 - (8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Service Director, and affording the Service Director access thereto;
 - (9) Requirements for notification of the Service Director or any new introduction of wastewater constituents being introduced into the wastewater treatment system;
 - (10) Requirements for notification of slug discharge;
 - (11) Other conditions as deemed appropriate by the Service Director to ensure compliance with this chapter.
- (f) Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for any time period of one year or more, but less than five years, or may be stated to expire on a specific date. The permit holder shall apply for permit reissuance not less than 180 days prior to the expiration of the existing permit. The Service Director shall not be required to reissue any permit for the same length of time as the original period which the reissued permit replaces.
- (g) Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without prior written approval of the Service Director. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(Ord.6311-91. Passed 11-13-91.)

931.08 REPORTING AND MONITORING REQUIREMENTS.

- (a) The Service Director may require industrial users to submit periodic discharge reports, including, but not limited to: questionnaires, technical reports, sampling reports, test analyses, reports of wastewater discharge, baseline reports, compliance schedules, compliance progress reports, compliance date reports, final compliance reports, self-monitoring reports, new source reports, semi-annual reports, slug load reports.
- (1) When a report filed by an industrial user pursuant to this section is not adequate in the judgment of the Service Director, he may require the user to supply such additional information as is necessary.
 - (2) Any change in the industrial process which will have a significant effect on the volume or characteristics of the wastewater discharge shall require prior notification to and approval of the Service Director.
 - (3) As a minimum, the Service Director may require industrial users having an average monthly water use greater than 500 cubic feet complete and file an

industrial wastewater survey form. Any industrial user, as defined herein, shall be required to file and submit periodic reports on the characteristics and volume of their discharge as required by the Federal and State EPA. If there has been no change in the volume or characteristics of the wastewater, the form may be filed indicating no change.

- (b) Industrial Users are required to maintain plant records relating to wastewater discharge as specified by the Service Director, and afford the Service Director access to these records immediately when so requested by the Service Director during normal business hours. Records shall be retained for at least three years.
- (c) All Industrial Users shall submit periodic compliance reports indicating the nature and concentration of pollutants in their discharge. The frequency of monitoring and reporting shall be as prescribed in the Industrial User's Wastewater Discharge Permit.
 - (1) If sampling performed by any Industrial User indicates a violation, the User shall notify the City within twenty-four hours of becoming aware of the violation. The User shall repeat the sampling and analysis and submit the results within thirty days after becoming aware of the violation. Results of sampling above the minimum required shall also be reported if analysis were conducted according to methodology in Section 931.08(g).
 - (2) These reports shall include the certification statement and shall be signed by an authorized representative of the discharger as defined in Sections 931.08(h) and 931.08(i).
- (d) Each industrial user subject to Categorical Pretreatment Standards must submit a compliance date report within ninety days following the date for final compliance with applicable categorical pretreatment standards, or if a new source, following commencement of the introduction of wastewater into the City wastewater system. Each compliance date report must indicate the nature and concentration of all pollutants in the discharge from regulated processes which are limited by pretreatment standards and requirements and the average maximum daily flow for these regulated processes and any other requirements as provided in 40 CFR 403.13(d).
- (e) Industrial Users shall install a suitable control manhole(s), together with necessary samplers, meters, recorders and other appurtenances to adequately sample and measure the wastes discharge. Other industrial users shall install suitable control manholes together with necessary samplers, meters, records and other appurtenances to adequately sample and measure the waste discharge when required by the Service Director.
 - (1) There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition by the user at his expense.
 - (2) Whether constructed on public or private property, the sampling and

monitoring facilities shall be provided in accordance with City's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety days following written notification by the Service Director.

- (3) Such manhole shall be accessible and safely located; and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
- (f) The Service Director may require the industrial user to supply information on wastewater flow and characteristics. This information shall be of a type specified by the Service Director and may require disclosure on the nature of the industrial process. Any monitoring performed by an Industrial User beyond that required by the Service Director must be included in the periodic reports required by the Service Director.
 - (g) Wastewater analysis shall conform to the most recent edition of the Federal EPA Regulations on Test Procedures for the Analysis of Pollutants, which shall be available from the Service Director. However, alternative methods for certain analysis of pollutants may be used subject to mutual agreement between the Service Director and the industrial user. The user shall pay the costs incurred in the sampling and analysis program, including control manholes.
 - (h) All required 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."
 - (i) All reports required herein shall be signed as follows:
 - (1) By a responsible corporate officer if the Industrial User submitting the reports required herein is a corporation. For the purpose of this paragraph, a responsible corporate officer means a president, secretary, treasurer, or 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 the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (2) By a general partner or proprietor if the Industrial User submitting the required reports is a partnership or sole proprietorship respectively.
 - (3) By a duly authorized representative of the individual designated in paragraph

(j)(1) or (j)(2) of this section if: the authorization is made in writing by the individual described in paragraph (j)(1) or (j)(2); the authorization specified either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and the written authorization is submitted to the Service Director.

(4) If an authorization under paragraph (j)(3) of this section 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 authorization satisfying the requirements of paragraph (j)(3) of this section must be submitted to the Service Director prior to or together with any reports to be signed by an authorized representative.

(j) All industrial users shall promptly notify the Service Director in advance of any substantial changes 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).

Ord. 6311-91. Passed 11-13-91.)

AN ORDINANCE ESTABLISHING CONTROL MANHOLES FOR ALL INDUSTRIES FOR THE DISCHARGE OF INDUSTRIAL WASTES INTO A PUBLIC SEWER

NOW, THEREFORE, BE IT ORDAINED by the Forty-Second Council of the City of Girard, Ohio:

SECTION 1: Council hereby establishes control manholes for all industries for the discharge of industrial wastes into a public sewer.

SECTION 2: Each person, established or newly built, discharging industrial wastes into a public sewer, shall construct and maintain one or more control manholes or access points to facilitate observation, measurement and sampling of his wastes, including domestic sewage.

SECTION 3: Control manholes shall be installed by the person discharging the waste, at his expense, and shall be maintained by him so as to be in safe condition, accessible and in proper operating condition at all times. Plans for the installation of the control manholes shall be approved by the City of Girard Water Pollution Control Facility prior to the beginning of construction. Once approval for installation is received, the person has ninety (90) calendar days in which installation is to be completed.

SECTION 4: There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility-sampling manhole shall be

maintained at all times in a safe and proper operating condition at the expense of the discharger. In no case shall the control manhole be less than four-foot diameter precast concrete manhole sections with watertight joints. Access shall not be less than twenty-four (24) inches in diameter.

(Ord 7360-04 Passed Nov,22 , 2004)

931.09 POWERS AND AUTHORITY OF INSPECTORS.

- (a) The Service Director and other duly authorized agents of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, examination and copying of records, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The Service Director or his representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industrial beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- (b) While performing the necessary work on private properties referred to in subsection (a) hereof, the Service Director or duly authorized agents of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City agents and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 931.05(i).
- (c) The Service Director or his duly authorized representative bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within such easement. All entry and subsequent work, if any, on such easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. 6311-91. Passed 11-13-91.)

931.10 WASTE DISCHARGE REGULATIONS.

- (a) Except where expressly authorized to do so by an applicable Pretreatment Standard or Requirement, no Industrial User shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment

Standard or Requirement. The Service Director may impose mass limitations on Industrial Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations is appropriate.

- (b) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Service Director for review, and shall be approved by the Service Director before construction of the facility. All categorical and non-categorical Industrial Users shall notify the Service Director immediately of all discharges which could effect the operation, cause pass-through or cause elevated levels of sludge contamination at the Wastewater Treatment Facility. Discharges of petroleum oil, non-biodegradable cutting oil or products of mineral oil origin are prohibited if discharged in amounts that can pass through or cause interference at the POTW.
- (c) No user who commences contributions to the wastewater system after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Service Director. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the user's facility as necessary to meet requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the Service Director of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and emergency actions taken by the user. Any user who does not comply with the above or fails to notify the Service Director as required shall be subject to the fine and criminal penalties indicated in Section 931.99 hereof.
- (d) Written Notice. Within five days following an accidental discharge the riser shall submit to the Service Director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar further occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be included as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.
- (e) Notice to Employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.
- (f) Batch dumps, slug discharges and/or discharge from holding tanks is prohibited except as provided for in Section 931.05(d).

- (g) Any removal and hauling of captured material not performed by the user's personnel must be performed by licensed waste disposal firms. All such materials, plus any prohibited wastes must be transported to a State approved disposal site.
- (h) All reports required as a result of these regulations shall contain the results of sampling and analysis of the Industrial discharge, including the flow and the nature and concentration of production and mass where requested by the Service Director, of pollutants contained therein which are limited by the applicable Pretreatment Standards. If sampling performed by an Industrial User indicates a violation, the user shall notify the Service Director within twenty-four hours of becoming aware of the violation. The Industrial User shall repeat the sampling and analysis, and shall continue on a daily basis to repeat the sampling and analysis until such time as compliance is achieved. The Industrial User shall submit the results of the repeat analysis to the Service Director within thirty days after becoming aware of the violation.
- (i) An upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the requirements of paragraph (a) are met.
 - (1) An Industrial User who wishes to establish the affirmative defense of Upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - A. An Upset occurred and the Industrial User can identify the specific cause(s) of the Upset;
 - B. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;
 - C. The Industrial User has submitted the following information to the Service Director within twenty-four hours of becoming aware of the Upset (if this information is provided orally a written submission must be provided within five days):
 - 1. A description of the Indirect Discharge and cause of noncompliance;
 - 2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
 - 3. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
 - D. In any enforcement proceeding the Industrial User seeking to establish the occurrence of an Upset shall have the burden of proof.
 - E. In the usual exercise of prosecutorial discretion, City enforcement personnel may review any claims that noncompliance was caused by an upset. No determinations made in the course of the review constitute final action subject to judicial review. Industrial Users will have the opportunity for a judicial determination of any claim of Upset only in enforcement action brought for noncompliance with Categorical Pretreatment Standards.
 - F. The Industrial User shall control production of all Discharges to the extent necessary to maintain compliance with Categorical Pretreatment

Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. The requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

- (j) If an Industrial User knows in advance of the need for a bypass it shall submit prior notice to the Service Director, if possible, at least ten days before the date of the bypass.
 - (1) An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Control Authority within twenty-four hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within five days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Service Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four hours.

- (k) Bypass is prohibited, and the Service Director may take enforcement action against an Industrial User for a bypass, unless:
 - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - (3) The Industrial User submitted notices as required in this chapter.
 - (4) The Service Director may approve an anticipated bypass, after considering its adverse effects, if the Service Director determines that it will meet the conditions in this section.

(Ord. 6311-91. Passed 11-13-91.)

931.11 WASTEWATER HEARING BOARD.

- (a) A Wastewater Hearing Board shall be appointed by the Mayor as needed for arbitration of differences between the Service Director and sewer users on matters concerning interpretation and execution of the provisions of this chapter by the Service Director. The cost of the arbitration will be divided equally between

the City and the sewer user.

- (b) One member of the Board shall be a registered professional engineer: one member shall be a practicing sanitary or chemical engineer: one member shall be a representative of industry or manufacturing enterprise: one member shall be a lawyer: and one member shall be selected at large for his interest in accomplishing the objectives of this chapter.

(Ord. 6311-91. Passed 11-13-91.)

931.12 CONFIDENTIAL INFORMATION.

- (a) When requested by the industrial user furnishing a report or permit application or questionnaire, the portions of the report, or other document, which might disclose information advantageous to competitors, shall not be made available for inspection by the public; provided, however, that such portions of a report, or other document, shall be available in judicial review or enforcement proceedings involving the person furnishing the report.
- (b) Information accepted by the City as confidential, shall not be transmitted to any governmental agency or to the general public by the City until and unless a ten day notification is given to the user. Waste constitutes and characteristics will not be recognized as confidential information, and shall be available to the public without restriction.
- (c) All other information submitted to the City shall be available to the public to the extent provided by 40 CFR 2.302.

(Ord. 6311-91. Passed 11-13-91.)

931.13 ENFORCEMENT PROCEDURES.

- (a) Whenever the Service Director finds that any User has violated or is violating this chapter, Wastewater Discharge Permit, compliance schedule, or any prohibition, limitation or requirements contained herein, the Service Director may serve upon such person a written notice stating the nature of the violation. This written notice by the Service Director shall be serviced within fifteen days of the date which the Service Director is made aware of the violation. Within thirty days of the notice, a plan for the satisfactory correction thereof shall be submitted to the Service Director by the user. The Service Director may issue an administrative order and/or issue a fine in response to this violation(s). The fine shall not be more than one thousand dollars (\$1,000) per violation per day.
- (b) Where unsatisfactory response is received upon notification of violation or response is not received within the time limits specified in subsection (a) above, the Service Director shall issue an administrative order and/or issue a fine and/or order a show cause hearing before the Wastewater Hearing Board as defined in Section 931.11. The user may appeal the action of the Service Director to the Wastewater Hearing Board by giving written notice by certified mail to the Service Director within ten days of notification of the proposed action. A notice

shall be served on the user specifying the time and place of the hearing to be held by the Wastewater Hearing Board regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the Wastewater Hearing Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on an agent or officer of the corporation.

- (c) The Board shall conduct the hearing and:
 - (1) Issue in the name of the Board notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.
 - (2) Take the evidence.
 - (3) Transmit a report of the findings of fact and conclusions of law to the Service Director and the User.

- (d) At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded steno graphically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

- (e) Should the Wastewater Hearing Board find that the Service Director's proposed enforcement action is lawful, the Service Director shall issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be disconnected unless adequate treatment facilities, devices or other related appurtenances shall have been installed and existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

- (f) Any user who violates the following conditions of this chapter or of applicable state and federal regulations is subject to having his permit revoked in accordance with the procedures of Section 931.13:
 - (1) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
 - (2) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
 - (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or,
 - (4) Falsification, tampering with, or knowingly rendering inaccurate any monitoring device or method required under this chapter;
 - (5) Violation of conditions of the permit.

- (g) The Service Director may suspend the wastewater treatment service and/or a Wastewater Discharge Permit when such suspension is necessary, in the opinion of the Service Director, in order to stop an actual or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the Wastewater System or causes the City to violate any condition of its NPDES Permit. Any person notified of a suspension of the wastewater treatment service and/or Wastewater Discharge Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with a suspension

order, the Service Director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the City system or endangerment to any individuals. The Service Director shall reinstate the Wastewater Discharge Permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Service Director within fifteen days of the date of occurrence.

- (h) If any person discharges Wastewater, Industrial Wastewater or other wastes into the City's Wastewater Disposal System contrary to the provisions of this chapter, Federal or State Pretreatment Requirements or any order of the Service Director, the Director of Law may commence an action for appropriate legal and/or equitable in the Court of Common Pleas.
- (i) Any user or any interested party shall have the right to request in writing an interpretation or ruling by the City on any matter covered by this chapter and shall be entitled to a prompt written reply. In the event that such inquiry is by an industrial 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. Appeals of any final judicial order entered pursuant to this chapter may be taken in accordance with the laws of the City of Girard and State of Ohio.
- (j) The Service Director shall make and enforce such rules and regulations as he may deem necessary for the enforcement of the provisions of this chapter for the safe, efficient and economical management of the system. 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.
- (k) At least annually, the Service Director shall publish a list of all industrial users which at any time during the previous twelve months were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, an industrial user is in significant noncompliance if its violations meet one or more of the following criteria:
 - (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
 - (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC= 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
 - (3) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the Service Director determines has caused, alone or in combination with other dischargers interference or pass through (including endangering the health of POTW personnel or the general

- public);
- (4) Any discharge of a pollutant that has caused imminent endangerment of human health, welfare or to the environment or has resulted in the POTW's exercise of emergency authority to halt or prevent such a discharge;
 - (5) Failure to meet, within ninety days after the schedule date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
 - (6) Failure to provide, within thirty days after the due date, required reports such as baseline monitoring reports, ninety day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
 - (7) Failure to accurately report noncompliance;
 - (8) Any other violation or group of violations which the Service Director determines will or has adversely affected the operation or implementation of the City's pretreatment program.

(Ord. 6311-91. Passed 11-13-92.)

931.99 PENALTY.

- (a) Civil Penalties. Any user is found to have violated an Order of the Director or who willfully or negligently failed to comply with the provision of this chapter, and the orders, rules and regulations issued hereunder, shall be fined up to one thousand dollars (\$1,000) for each offense. In addition to the penalties provided herein, the City may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance or the orders, rules and regulations issued hereunder.
- (b) Criminal Penalties. In addition to any civil penalties imposed pursuant to the provisions of this Chapter or by Federal or State authorities, any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000) for each offense or by imprisonment for not more than six months for each offense, or by both.
- (c) Any person violating any of the provisions of this chapter shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

(Ord 6311-91. Passed 11-13-91_)