

APPLICATION FOR SEWER BUILDER'S LICENSE

Applicant

Date _____ I, _____ hereby petition the City of Sidney for the issuance of a sewer builder's license for the year 20_____.

Name of Firm _____

Business Address _____

Business Phone Number (_____) _____

Contact Email Address: _____

Number of years in sewer construction business _____ Name of person(s) who will be performing sewer building work for your firm _____

Does your company perform: CCTV Inspection Lining Repairs Pipe Bursting Pipe Boring

Insurance Surety

Name of Insurance Company _____

Name of Insurance Agency _____

Contact Name & Email Address: _____ / _____

Address of Agent _____

City _____ State _____ Zip _____

Business Phone Number (_____) _____ Fax Number (_____) _____

I have reviewed Sewer Regulations Chapters 913 & 914 (included) and am knowledgeable of specifications & requirements for City of Sidney sanitary sewer laterals installation () **check & initial**

I agree if licensed, to follow and to be governed by the rules and regulations set forth by the City for installation of sanitary sewer laterals.

Signature of Applicant _____

Resident Sureties

The undersigned represent that they are personally acquainted with the applicant and will vouch for the business capacity and reputation of the applicant and believe that he is a master of his trade and would be willing to be governed in all respects by the appropriate ordinances, rules and regulations of the City.

1. Name & Address _____
Association with applicant _____

2. Name & Address _____
Association with applicant _____

To be completed by City

Surety bond provided	YES (<input type="checkbox"/>)	NO (<input type="checkbox"/>)	Bond Number _____
Two resident sureties provided	YES (<input type="checkbox"/>)	NO (<input type="checkbox"/>)	
Resident sureties checked	YES (<input type="checkbox"/>)	NO (<input type="checkbox"/>)	
Resident sureties acceptable	YES (<input type="checkbox"/>)	NO (<input type="checkbox"/>)	
License approved	YES (<input type="checkbox"/>)	NO (<input type="checkbox"/>)	

If "NO" state reason _____

City Manager _____

CITY OF SIDNEY, OHIO
BOND OF PLUMBER AND SEWER BUILDER

KNOW ALL MEN BY THESE PRESENT:

THAT the undersigned _____ as PRINCIPAL
doing business as _____ and
_____ as SURETY,
are hereby held and firmly bound unto the City of Sidney, Ohio, in the sum of Two Thousand
Dollars (\$2,000.00) for the payment of which well and truly to be made, we hereby jointly and
severally bind ourselves, our heirs, executors, administrators, successors and assigns.

The condition of the above obligation is such that whereas the above named PRINCIPAL did
on the _____ day of _____, 20____ apply to the City of Sidney,
Ohio for license to do work in the City of Sidney, Ohio, commonly known as plumbing and to do
work as sewer builder in connection with the City sanitary sewer system, which application and
license are made a part of this bond the same as those set forth herein.

Now, if the said PRINCIPAL shall indemnify and save harmless the City of Sidney, Ohio,
from all accidents and all damages caused by any negligence in protecting his work or by unfaithful,
imperfect, inadequate, careless or unskilled work done by him or by anyone in his employ; and, if he
shall promptly and at the proper time replace and restore sidewalks, pavements or street surface over
any opening he may have made to as good state and condition as he found it previous to opening the
same and to keep and maintain the same in good order, to the satisfaction of the Director of Public
Works for the period of six (6) months next thereafter; and, that he will pay all fines imposed upon
him for violation of any rules and regulations prescribed by this ordinance and, will strictly comply
with all rules and regulations pertaining to such work as laid down and prescribed by the Department
of Public Works, then this obligation shall be void; otherwise the same shall remain in full force and
effect; it being expressly understood and agreed that the liability of the SURETY for any and all
claims shall in no event exceed the penal amount of this obligation as herein stated.

Signed the _____ day of _____, 20____.

Principal Signature

Address

Surety Signature

SEAL:

Surety Address

Surety Agency Name

Surety Agency Address

Surety Agent Contact Name

Surety Agent Contact Email

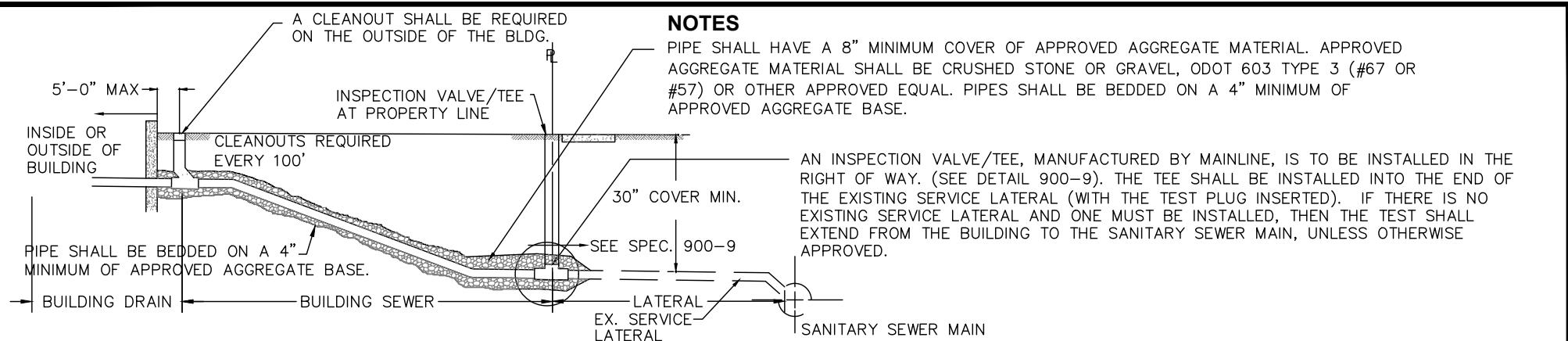
Bond Number: _____ Bond Expiration Date: _____

I hereby approve Surety on foregoing bond.

City Manager

***IMPORTANT**

It is the responsibility of the Contractor or insurance carrier to inform the City of Sidney Engineering Department of the status of this Bond. This requires a notice at the yearly renewal date confirming that the coverage is being continued or if relevant, a notice that the coverage is being canceled. Yearly renewal notices are also necessary for continuous contracts. The address is: City of Sidney, Engineering Department, 201 W. Poplar Street, Sidney, Ohio 45365.



NOTES

- A. SEPTIC TANKS, WHEN ABANDONED, SHALL BE DEWATERED BY AN ACCEPTED SEPTAGE HAULER AND PROPERLY FILLED WITH GRANULAR MATERIAL. DRAIN HOLES SHALL BE BROKEN OUT ON THE BOTTOM AND SIDES OF THE TANK WHEN DIRECTED BY THE CITY.
- B. ROOF DOWNSPOUTS, EXTERIOR FOUNDATION DRAINS, AREAWAY DRAINS OR OTHER SURFACE RUNOFF OR GROUNDWATER SHALL NOT BE CONNECTED TO THE SANITARY SEWER MAIN. ALSO SEE MISC. NOTE B.
- C. ANY INDIVIDUAL OR FIRM INSTALLING SEWER LATERAL CONNECTIONS TO THE MAIN SHALL BE APPROVED BY THE CITY.
- D. BEFORE BEGINNING WORK, A SEWER TAP PERMIT MUST BE OBTAINED FROM UTILITY BILLING OFFICE AND APPLICABLE FEES MUST BE PAID.
- E. WHEN THE LATERAL MUST ENTER INTO A PAVED PORTION OF THE STREET OR ALLEY, A STREET OPENING PERMIT MUST BE OBTAINED FROM THE CITY ENGINEERING DEPARTMENT BEFORE BEGINNING WORK.
- F. WATER SERVICES SHALL BE A MINIMUM OF 10' MEASURED HORIZONTALLY FROM THE SEWER SERVICE AND SHALL BE A MINIMUM OF 18" ABOVE THE CROWN (WHENEVER POSSIBLE) OF THE SANITARY SEWER MAIN WHERE THE WATER SERVICE CROSSES THE SEWER MAIN.

PIPE

- A. THE PIPE MATERIAL SHALL BE PVC SDR 35 OR, SCHEDULE 40, UTILIZING PURPLE PRIMER, OR AN APPROVED EQUIVALENT.
- B. PIPE SIZES FOR LATERAL (NEW) SHALL BE 6" MINIMUM.
- C. THE BUILDING SEWER MAYBE 4" DIAMETER FOR SINGLE FAMILY RESIDENTIAL AND 6" DIAMETER FOR ALL OTHERS.

INSPECTION

- A. A TAP INSPECTION SHALL BE REQUIRED ON ALL NEW BUILDING CONNECTIONS AND ALSO ON THE REPLACEMENT OF EXISTING BUILDING CONNECTIONS.
- B. WHEN THE BUILDING SEWER IS READY FOR INSPECTION, THE CITY SHALL BE GIVEN 24 HOURS ADVANCE NOTICE. THE PIPE SHALL BE LEFT UNCOVERED UNTIL AN INSPECTION HAS BEEN MADE AND APPROVED.
- C. ALL NEW LATERALS SHALL BE INSTALLED WITH AN INSPECTION VALVE/TEE, MANUFACTURED BY MAINLINE, LOCATED AT THE PROPERTY LINE. ANY NEW BUILDING CONNECTION INSTALLED WITHOUT AN INSPECTION SHALL RESULT IN NO ISSUANCE OF A WATER METER FOR THE BUILDING. IF THIS OCCURS, THE ENTIRE LATERAL SHALL BE UNCOVERED SO THAT A PROPER INSPECTION CAN BE MADE.
- D. NO TAP FEE IS REQUIRED IF AN OLD BUILDING SEWER IS TO BE REUSED. AN INSPECTION WILL BE REQUIRED. THE ENGINEERING DEPT. SHALL INSPECT THE ENTIRE BUILDING CONNECTION FROM THE CLEANOUT TO THE PROPERTY LINE CONNECTION OR TO THE MAIN SEWER, WHICHEVER IS APPLICABLE.
- E. WHEN A SADDLE IS TO BE INSTALLED, THE INSPECTOR SHALL BE PRESENT WHILE THE SANITARY SEWER MAIN IS BEING CUT INTO. A SADDLE MAY BE USED WHERE A TEE OR WYE IS NOT PRESENT FOR LATERAL CONNECTION.

TESTING

- A. THE OUTSIDE PLUMBER SHALL BE RESPONSIBLE FOR THE TESTING FROM THE CONNECTION TO THE EXISTING SERVICE LATERAL TO THE CLEANOUT.
- B. ALL NEW BUILDING CONNECTIONS SHALL BE BY AIR WITH 4 PSI PRESSURE.

C. THE SEWER TEST SHALL BE FROM THE BUILDING SEWER CLEANOUT TO THE PROPERTY LINE CONNECTION OR TO THE MAIN SEWER, WHICHEVER IS APPLICABLE.

D. WHEN A SUBSTANTIAL AMOUNT OF AN EXISTING LATERAL IS REPLACED, THE NEW PORTION OF THE LATERAL SHALL REQUIRE A TEST UNLESS OTHERWISE APPROVED.

MISC.

- A. STREET EXCAVATION REQUIRES A STREET OPENING PERMIT.
- B. BASEMENT FLOOR DRAINS AND SUMP PUMPS, THAT CARRY GRAY WATER, SHALL BE CONNECTED TO THE SANITARY SEWER. FOUNDATION DRAINS AND ALL OTHER SUMP PUMPS, EXCEPT AS NOTED ABOVE, ARE TO BE CONNECTED TO THE STORM SEWER OR DISCHARGED ONTO THE GROUND.

PIPE LAYING

- A. THE OPEN ENDS OF ALL PIPES SHALL BE PLUGGED OR OTHERWISE CLOSED WITH A WATERTIGHT PLUG TO THE APPROVAL OF THE CITY BEFORE LEAVING THE WORK SITE FOR THE NIGHT.
- B. THE JOINING OF PIPE WITH CONCRETE SHALL NOT BE ACCEPTED.
- C. BEFORE MAKING A CONNECTION TO AN EXISTING SEWER OR SERVICE LATERAL, THE CONTRACTOR SHALL CHECK THE EXISTING PIPE BY UTILIZING A DYE TEST TO SEE THAT THE EXISTING PIPE IS CONNECTED TO THE SANITARY SEWER MAIN.
- D. IN THE CASE WHERE A 90° CORNER IS REQUIRED IN THE BUILDING CONNECTION LINE, TWO 45° BENDS SHALL BE USED IN LIEU OF A 90° BEND.
- E. THE BUILDING CONNECTION LINE SHALL BE LAID IN AS STRAIGHT A LINE, FROM THE BUILDING TO THE EXISTING LATERAL, AS POSSIBLE.
- F. ALL NEW CONSTRUCTION SHALL HAVE SANITARY LATERALS INSTALLED.
- G. MINIMUM SLOPE OF SANITARY LATERAL SHALL BE 1% GRADE (1/4" PER FOOT) MAXIMUM SLOPE (SEE 900-7).



CITY OF
SIDNEY

BUILDING SEWER CONNECTION DETAIL

REVISIONS: 06-25-07 07-22-13	DATE APPROVED: 06/03/2020
PAGE No. 900-10	

CHAPTER 913

City-Owned and Nonresidential Sanitary Sewers

- 913.01 Definitions.
- 913.02 Permit required for sewer work and street excavations.
- 913.03 Sewer builder's license: bond.
- 913.04 Plumber required.
- 913.05 Deposit or discharge on public or private property, or natural outlet prohibited.
- 913.06 Sewer connections mandatory.
- 913.065 Private sewage disposal systems.
- 913.07 Appeal.
- 913.08 Owners to provide water and sewer connections; assessments.
- 913.09 Abutting owners to pay pro rata share.
- 913.10 Sewer tap permit required.
- 913.11 Permit application: fees.
- 913.111 Additional tap-in fees.
- 913.12 Cost and expense.
- 913.13 Separate sewer required; use of existing sewers.
- 913.14 Construction conformance.
- 913.145 Backwater valves.
- 913.15 Clean water intrusion prohibitions.
- 913.155 Building drain/sewer defects prohibited.
- 913.16 Connections; standards.
- 913.17 Inspection.
- 913.18 Excavation; barricades; restoration required.
- 913.19 Surface water; process waters prohibited.
- 913.20 Prohibited discharges.
- 913.205 Access to sewer system.
- 913.21 Limitations on wastewater strength.
- 913.22 Data disclosure required for industrial discharges.
- 913.23 Nuisance remedies.
- 913.235 Charges for excessive loads.
- 913.24 Interceptors.
- 913.25 Reporting requirements for industrial dischargers.
- 913.26 Manholes.
- 913.265 Tapping of manholes.
- 913.27 Tests, measuring and metering.
- 913.28 Filing information and data.
- 913.29 Tampering, damaging POTW prohibited.
- 913.30 Authority of Director of Utilities; Council.
- 913.31 Powers and authority of inspectors; right of entry.
- 913.32 Charge for downspout and area drain discharge. (Repealed)

- 913.33 Enforcement.
- 913.34 Records retention.
- 913.35 Severability.
- 913.36 Conflict.
- 913.37 Charges and fees.
- 913.99 Penalty.

CROSS REFERENCE

- Power to license sewer tappers and vault cleaners - see Ohio R.C. 715.27
- Compulsory sewer connections - see Ohio R.C. 729.06
- Regulations to control house sewers and connections - see Ohio R.C. 729.51
- Sanitation facilities in trailer camps - see BUS. REG. 733.09
- Sewage and refuse disposal in trailer camps - see BUS. REG. 733.11
- Sewer rental - see S. & P.S. Ch.915
- Stormwater management - see S & P.S. Ch.919
- Subdivisions - see P. & Z. 1161.10(h)
- Ohio Plumbing Code adopted - see BLDG.1301.04
- Drainage of swimming pools - see BLDG.1325.05

913.01 DEFINITIONS.

- (a) "Act" means the Clean Water Act (33 U.S.C. 1251 et seq.), as amended.
- (b) "Authorized Representative" may be any of the following: A responsible corporate officer, if the industrial user submitting the reports required by this rule is a corporation. For the purpose of this paragraph, a "responsible corporate officer" means one of the following:
 - (1) 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-making or decision-making functions for the corporation.
 - (2) The manager of one or more manufacturing, production, or operation facilities, provided the manager meets all of the following:
 - A. Is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and of initiating and directing other environmental laws and regulations comprehensive measures, to assure long-term environmental compliance with.
 - B. Can ensure that the necessary systems are established or that the necessary actions are taken to gather complete and accurate information for control mechanism requirements.
 - C. Is assigned or delegated the authority to sign documents in accordance with corporate procedures.
 - D. A general partner or proprietor if the industrial user submitting the report is a partnership or sole proprietorship, respectively.
 - E. A member or manager if the industrial user submitting the report is a limited liability company.
 - (3) A duly authorized representative of the individual of this rule if all of the following apply:
 - A. The authorization is made in writing by the individual described of this rule.
 - B. The authorization specifies 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.
 - C. The written authorization is submitted to the City.
- (c) "Best Management Practices" or "BMPs" means schedules of established activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in OAC 3745-3-04. BMPs also include established treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- (d) "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 20 degrees centigrade expressed in milligrams per liter.

(e) "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.

(f) "Building Sewer" means the extension from the building drain ending at either the City's lateral in the right-of-way or the public sewer or other place of disposal.

(g) "Categorical Pretreatment Standards" means any national pretreatment standard specifying quantities or concentrations of pollutants or pollutant properties that may be discharged to a POTW by new or existing industrial users in specific subcategories, promulgated by the administrator in accordance with section 307 of the Act and established under 40 C.F.R. Chapter I, Subchapter N.

(h) "CCTV" means Closed Circuit Television.

(i) "City" means the City of Sidney, Ohio.

(j) "Director" means the Utilities Director of the City or any future title given to this position, or his authorized deputy, agent or representative.

(k) "Enforcement Response Guide" or "ERG" means the city's document for enforcement action(s), as approved by the Ohio EPA, as it relates to the City's industrial pretreatment program or IPP. The purpose of the ERG is to provide consistent enforcement responses for similar violations and circumstances. The ERG describes violations, defines a range of appropriate enforcement actions based on the nature and severity of the violation and other relevant factors, and identifies personnel responsible for finalizing enforcement responses.

(l) "Garbage" means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

(m) "Indirect Discharge" means the introduction of pollutants into a POTW from any nondomestic source, including but not limited to those regulated under section 307(b), (c), or (d) of the Act.

(n) "Indirect Discharger" means any nonresidential user who discharges an effluent into a POTW by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches and all constructed devices and appliances appurtenant thereto.

(o) "Industrial User" means any non-domestic source of wastewater regulated under section 307(b), (c), or (d) of the Clean Water Act who introduces pollutants into the wastewater facility. "Industrial user" shall also include any user that discharges wastewater containing pollutant(s), or any substance(s) that may cause or contribute to interference in the wastewater facilities, and any federal categorical industry that is designated as such by the EPA.

(p) "Industrial Waste(s)" means the liquid wastes from industrial and manufacturing processes, trade or business, as distinct from sanitary sewage.

(q) "Interceptors" means a device designed and installed so as to separate and retain deleterious, hazardous or undesirable matter from normal wastes and permit normal sewage or liquid wastes to discharge into a building drain or building sewer.

(r) "Interference" means a discharge, that alone or in conjunction with a discharge or discharges from other sources, results in either of the following:

(1) Inhibits or disrupts the POTW, the POTW's treatment processes or operations, or the POTW's sludge processes, use or disposal.

(2) Causes 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 all of the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations).

(s) "Lateral" means the city's portion of the sewer serving a property extending from the main sewer up to and including the clean out or other approved structure located within the right-of-way. Laterals are City owned and therefore subject to this Chapter 913 "City Owned and Non-Residential Sewers".

(t) "Mass Limitations" means, for each pollutant, the maximum allowable industrial loading to the POTW that is allocated individually to each industrial user in proportion to the industrial user's current loading. The limits are derived by determining the ratio of the POTW's allowable head works loading to the POTW's current head works loading, and then multiplying this ratio by each industrial user's current loading.

(u) "National Pretreatment Standard, Pretreatment Standard or Standard" means a discharge limit related to pretreatment that is imposed on an industrial user by local ordinance or control mechanism, including categorical pretreatment standards, prohibitive discharge limits established pursuant to rule 3745-3-04 of the Administrative Code; local limits established pursuant to paragraph (C)(4) of rule 3745-3-03 and paragraph (D) of rule 3745-3-04 of the Administrative Code; and any enforceable schedule designed to achieve compliance with such limit.

(v) "Natural Outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

(w) "New Discharger" 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(c) of the Act, which 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;
- (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.

(x) "New Source" means any of the following:

(1) Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act that will be applicable to such source if such standards are thereafter promulgated in accordance with that section provided that one of the following applies:

- A. The building, structure, facility, or installation is constructed at a site at which no other source is located.
- B. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source.
- C. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(2) 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 paragraph (x)(1)B. or (x)(1)C. of this rule, but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has done any of the following:

- A. Begun, or caused to begin as part of a continuous onsite construction program in either of the following ways:
 1. Any placement, assembly, or installation of facilities or equipment.
 2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities that is necessary for the placement, assembly, or installation of new source facilities or equipment.
- B. Entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in the operation within a reasonable time. Options to purchase, or contracts that 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) "Non-Residential" means a property served by a sewer that does not meet the definition of a "Residential".

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

(aa) "O&M" means operation and maintenance.

(bb) "Other Waste(s)" means decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals and industrial wastes.

(cc) "Pass Through" means a discharge that exits the POTW into waters of the state in quantities or concentrations that 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).

(dd) "Person" means any individual, firm, company, association, society, corporation or group.

(ee) "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(ff) "Pollutant" means any substance discharged into a POTW or its collection system which upon exposure to or assimilation into any organism will cause adverse effects such as cancer, genetic mutations or physiological manifestations as defined in standards issued pursuant to Section 307(a) of the Act.

(gg) "Publicly Owned Treatment Works" or "POTW" means a treatment works that is owned or operated by a public authority. This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the public authority that owns or operates the POTW and that has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

(hh) "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW.

(ii) "Pretreatment Requirement" means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user or POTW.

(jj) "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 public sewers, with no particle greater than one-half inch, 1.27 centimeters, in any dimension.

(kk) "Public Sewer" means a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

(ll) "Residential" means a property limited to a single-family, duplex, or triplex residential structure that discharges only domestic waste. All others are considered non-residential.

(mm) "Sanitary Sewer" means a sewer which carries sewage and to which storm, surface and ground water are not intentionally admitted.

(nn) "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm water as may be present.

(oo) "Sewage Treatment Plant" means all facilities for pumping, treating and disposing of sewage. Also referenced as Sewage Works, Wastewater Treatment Plant or WWTP.

(pp) "Sewage Works" means all facilities for collecting, pumping, treating and disposing of sewage. Also referenced as Sewage Treatment Plant, Wastewater Treatment Plant or WWTP.

(qq) "Sewer" means a pipe or conduit for carrying sewage.

(rr) "Shall" is mandatory; "may" is permissive.

(ss) "Significant Industrial User" means:

(1) All industrial users subject to categorical pretreatment standards; and

(2) Any other industrial user with the exception of those identified in paragraph (oo)(3) below, 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 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 Utilities Director, to adversely affect the POTW's operation or to violate any pretreatment standard or requirement.

(3) Upon a finding that an industrial user meeting the criteria in paragraph (oo)(2) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from an industrial user determine that such industrial user is not a significant industrial user.

(4) A Categorical Industrial User may now be considered a Non-Significant Categorical Industrial User upon meeting the following conditions:

A. The IU does not discharge more than 100 gallons per day of total categorical wastewater.

B. No untreated concentrated wastewater that is regulated by categorical pretreatment standards may be discharged at any time by the IU.

C. The following annual certification statement with appropriate justification shall be submitted to the director or his or her designee.

"Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 C.F.R. [specify applicable national pretreatment standard part or parts], I certify that, to the best of my knowledge and belief, during the period from [specify month, day and year] to [specify month, day and year]:

1. "The facility described as [insert facility name] met the definition of a nonsignificant categorical industrial user as described in paragraph (Q) of rule 3745-3-01 of the Administrative Code;

2. "The facility complied with all applicable pretreatment standards and requirements during this reporting period; and

3. "The facility never discharged more than one hundred gallons of total categorical wastewater on any given day during this reporting period. This compliance certification is based upon the following information: [specify information]."

(tt) "Significant Non-Compliance" means that an industrial user's violations meet one or more of the following criteria:

(1) Significant Industrial User (SIU) specific criteria for significant non-compliance.

A. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit, instantaneous limit or

the average limit for the same pollutant parameter;

B. Technical Review Criteria (TRC) violations, defined here as those in which 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, instantaneous 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);

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

D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or the environment or has resulted in the POTW's exercise of emergency authority to halt or prevent such a discharge;

E. Failure to meet, within 90 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;

F. Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance;

H. Any other violation or group of violations which the Utilities Director determines will affect or has adversely affected the operation or implementation of the City's pretreatment program;

I. Failure to abide by any Best Management Practice (BMP) put in place to implement the prohibitions listed in OAC 3745-3-04;

(2) Non Significant Industrial Users (Non SIU) specific criteria for significant noncompliance.

A. Chronic violations of wastewater discharge limits, defined here as those in which 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;

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

C. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or the environment or has resulted in the POTW's exercise of emergency authority to halt or prevent such a discharge;

D. 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;

E. Failure to provide, within 45 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;

F. Failure to accurately report noncompliance;

G. Any other violation or group of violations which the Utilities Director determines will affect or has adversely affected the operation or implementation of the City's pretreatment program;

H. Failure to abide by any Best Management Practices (BMPs) put in place to implement the prohibitions listed in OAC 3745-3-04.

(uu) "Slug load" Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

(vv) "Storm Sewer" means a sewer which carries storm and surface water and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

(ww) "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.

(xx) "Toxic Pollutant" means any pollutant designated by the Administrator of U.S. EPA pursuant to Section 307(a)(1) of the Act.

(yy) "Upset" means an exceptional incident in which a discharger unintentionally and temporarily is in a state of non-compliance with the standards set forth in this chapter due to factors beyond the reasonable control of the discharger, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.

(zz) "Wastewater" means industrial waste, or sewage or any other waste including that which may be combined with any ground water, surface water or storm water, that may be discharged to the POTW.

(aaa) "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

(Ord. A-1742. Passed 1-22-90; Ord. A-1810. Passed 5-28-91; Ord. A-2051. Passed 8-26-96; Ord. A-2142. Passed 11-98; Ord. A-2211. Passed 5-8-00; Ord. A-2396. Passed 8-23-04; Ord. A-2405. Passed 11-8-04; Ord. A-2698. Passed 10-24-11; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14; Ord. A-3022. Passed 10-26-20.)

913.02 PERMIT REQUIRED FOR SEWER WORK AND STREET EXCAVATIONS.

No person or plumber engaged in the business of sewer construction or sewer work is permitted to make any connection to the sanitary sewer of the City or to make any opening or excavation in the streets of the City without first having obtained a permit therefor.

(Ord. A-901. Passed 5-21-71; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14.)

913.03 SEWER BUILDER'S LICENSE: BOND.

(a) Any person desiring to do business as a sewer builder, shall file a petition in the office of the City Manager giving the names of the individual or firm and place of business, asking to be licensed as a sewer builder. The petition must be signed by two responsible citizens of the City vouching for the business capacity and reputation of the applicant, as a master of his or her trade and willing to be governed in all respects by the provisions of this chapter and by the rules and regulations which are or may be adopted by the City Manager.

(b) Each applicant for a license shall execute and deposit with his or her application, a bond with two or more resident sureties owning real estate of a value of two thousand dollars (\$2,000) over and above encumbrances. The applicant may give a surety company bond if he or she desires. This bond must be approved by the City Manager, in the sum of two thousand dollars (\$2,000) conditioned that the applicant will indemnify and leave harmless the City from all accidents and all damages caused by any negligence in protecting his or her work or by any unfaithful, imperfect, inadequate, careless or unskilled work done by him or her.

(c) Sewer builders shall promptly and at the proper time replace and restore sidewalks, pavement or street surface over any opening the contractor may have made, to the same condition as the contractor found it prior to its opening; and keep and maintain the same in good order, to the satisfaction of the City Manager, for the period of six months next thereafter.

(d) No contractor shall fail to obtain an inspection of the sewer tap and/or an inspection of the sewer lateral installation and/or perform the restoration work. Violation of this section shall result in the following:

(1) First offense in a two-year period: Contractor shall receive a warning from the City Engineer and shall be required to televise the sewer lateral at his or her costs and provide results to the City and/or make all restoration efforts.

(2) Second offense in a two-year period: Contractor shall be required to excavate the sewer tap and lateral and have said work properly tested and inspected and/or make all restoration efforts.

(3) Third offense in a two-year period: The City Engineer shall execute against contractor's bond to have the sewer tap and lateral exposed, tested and inspected by another licensed sewer builder. The City Engineer shall then revoke the sewer builder's license for said contractor for a period of two years. Additionally, contractor shall pay all fines imposed on him or her for violation of any of the rules and regulations prescribed in this section.

(e) No sewer builder's license will be granted for more than two years. All licenses will expire on the first Monday in April at the end of the two-year period.

(Ord. A-901. Passed 5-21-71; Ord. A-2396. Passed 8-23-04; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14.)

913.04 PLUMBER REQUIRED.

All connections to the City's sewer shall be performed by a plumber who has given bond to the City as required by Section 913.03.

(1) A plumber is not required to make the connection of the building sewer to the City's lateral if provided.

(Ord. A-901. Passed 5-21-71; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14.)

913.05 DEPOSIT OR DISCHARGE ON PUBLIC OR PRIVATE PROPERTY, OR NATURAL OUTLET PROHIBITED.

(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, garbage or other objectionable waste.

(b) No person shall discharge into 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) If the Director or his or her designee determines that there is an immediate danger to public health the Director has the authority, but not the obligation, to cause the necessary repairs to be performed on private property. All costs and expenses to make said repair or otherwise eliminate the health hazard shall then be billed to the property owner. In the event of non-payment the costs shall be assessed to the property.

(d) The Director may cause repairs to be made and the cost thereof shall temporarily be paid by the City. This cost, together with a penalty as determined by Council, shall be assessed by Council. If not so paid, the Clerk of Council shall certify such assessments to the County Auditor to be collected as other taxes are collected.

(Ord. A-901. Passed 5-21-71; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14.)

913.06 SEWER CONNECTIONS MANDATORY.

(a) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, individual sewage disposal system or other facility intended or used for the disposal of sewage.

(b) The owner of all buildings or properties for human occupancy, employment, recreation or other purposes situated within the City and abutting any street, alley or right-of-way in which there is located a public sewer of the City within 200 feet of the property line or within 400 feet of the foundation of the structure, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the public sewer in accordance with the provisions of this chapter and by the date prescribed by the Sidney-Shelby County Health Department. All on-site sewage disposal systems within the City in existence prior to March 24, 2003 shall have ten years from the date that sewer services became available to connect to the public sewer system unless the on-site system shall fail, as determined solely by the Health Department.

(c) In no case shall an owner be authorized to improve, extend or expand an on-site disposal system without approval of the City; the owner shall, however, be permitted to clean and repair an existing system.

(d) Whenever an on-site disposal system is abandoned, it shall be properly with a granular material acceptable to the Utilities Director.

(Ord. A-1327. Passed 3-17-80; Ord. A-2142. Passed 11- -98; Ord. A-2211. Passed 5-8-00; Ord. A-2344. Passed 3-10-03; Ord. A-2405. Passed 11-8-04; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14.)

913.065 PRIVATE SEWAGE DISPOSAL SYSTEMS.

(a) Except as provided, no person shall construct or maintain any privy, vault, septic tank, cesspool or other facility intended or used for private sewage disposal.

(b) If a public sanitary sewer is not available within 200 feet of a premises, or within 400 feet of the foundation of a structure on the premises, the building sewer shall be connected to a private sewage disposal system authorized by the Health Department regulations. These regulations shall include: the type of on-lot disposal system, location, and layout.

(c) All on-lot disposal systems shall be maintained per the regulations of the Health Department.

(d) No holding tank waste shall be permitted to directly discharge into any natural outlet.

(e) When public sewers become available to those being served by private sewage disposal systems under this section, property owners shall comply with Section 913.06(c) of the Codified Ordinances.

(f) The abandonment of private sewage disposal systems shall be in compliance with the requirements of the Health Department.

(g) The owner shall, at his or her expense, operate and maintain the private sewage disposal facilities in a sanitary manner at all times.

(Ord. A-2211. Passed 5-8-00; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14.)

913.07 APPEAL.

(a) Any person so ordered to connect to the sanitary sewer system; ordered to extend water mains or sewer mains; or denied a variance under Section 920.04(c) of the Codified Ordinances shall have the right to appeal such order or decision to the Utility Connection Appeal Board. The Board shall consist of the Director of Utilities and the Public Works Director or their designated representatives, and a representative of the Shelby County Board of Health. Appeals shall be filed in writing with the Board and shall be in accord with such rules and procedures as the Board may establish. This three-person Board shall hear, review and rule on appeals, shall resolve facts concerning the availability of a sanitary sewer to a property; the extension of sewer mains and water main; and variances. In making these determinations, the Board shall specifically include the following criteria:

- (1) Environmental concerns;
- (2) Technical feasibility; and
- (3) Economic consequences.

(b) There shall be provided a 30-day appeal period following receipt of the City notice or decision. The Board shall rule on such appeal within 30 days following the receipt of an appeal.

(c) Any person so ordered to perform an inspection in accordance with this Chapter, abate a defective building drain and/or building sewer or any other action authorized by this chapter of the Codified Ordinances shall have the right to appeal such order or decision to the Director. The Director shall hear, review and rule on appeals and shall resolve facts concerning the appeal.

(d) Appeals shall be submitted in writing to the Director within 30 days of receipt of the City Order to be considered. Appeals submitted after 30 days shall not be considered.

(e) The Director shall be authorized to provide an extension of time as deemed appropriate but not to exceed for the following activities:

- (1) 30 days for a private property I&I reduction program inspection to be performed.
- (2) 30 days for the installation of a City approved clean out.
- (3) 60 days for abatement of a defective building drain and/or building sewer.
- (4) 60 days for the disconnection of clean water sources.
- (5) The Director shall rule on such appeal within 30 days following the receipt of the appeal.

(Ord. A-1327. Passed 3-17-80; Ord. A-2456. Passed 10-24-05; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14.)

913.08 OWNERS TO PROVIDE WATER AND SEWER CONNECTIONS; ASSESSMENTS.

(a) Whenever the paving or repairing of any street or public highway has been ordered by Council, the Department of Public Works shall, as it deems necessary, serve the owners of property abutting upon the street or highway, a notice directing such owners to extend the sanitary sewer lateral and water connections to the property line or as it may designate within a time specified therein to be available for future use.

(b) At the expiration of the time specified, if connections are not made as herein provided, the Director shall cause these to be made and the cost thereof shall temporarily be paid by the City. This cost, together with a penalty as determined by Council, shall be assessed by Council on the property abutting on the street or highway to be paved, to be paid in cash to the Finance Director. If not so paid, the Clerk of Council shall certify such assessments to the County Auditor to be collected as other taxes are collected. Council may waive the provisions of this section and Section 913.07 if the property owner is willing to sign an agreement that he or she will not be permitted to connect to the sanitary sewer for a period of time as prescribed by Chapter 901.

(Ord. A-901. Passed 5-21-71; Ord. A-2142. Passed 11- -98; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14.)

913.09 ABUTTING OWNERS TO PAY PRO RATA SHARE.

(a) Whenever sanitary sewers or portions thereof are laid at the expense of the City without the cost of the line or lines being paid for by, or assessed against, all the property owners abutting these lines and benefited thereby, the owner of any of the abutting property to be serviced by such line or lines and for which property the cost thereof has not been paid or assessed shall pay his pro rata share of the line or lines before tapping therein.

(b) Whenever such lines are laid by the owners or other persons with the authority of and under the direction of the Utilities Director, except in cases where the owners of new subdivisions are required to make such installations at their expense by the order of the Planning Commission under and by virtue of the subdivision regulations of the City, persons shall certify the cost of the improvements to the Director immediately upon completion. These amounts shall be subject to the approval of the Director and may be reduced if the Director, with the advice of the City Engineer and in his or her unqualified discretion, feels that the costs are excessive.

(c) The owner of any abutting property thereby serviced by such line or lines, and for which property the cost thereof has not been paid, shall pay his or her pro rata share of the cost of the line or lines as determined by the Utilities Director before tapping therein. The money so received shall be paid to the persons who paid the cost of the line, or their heirs, executors, administrators or assigns. However, no payment to such person or persons shall be made more than 15 years after completion of the job and certification of the cost to the Director. Any money received for tapping in after 15 years shall be a part of the sewer fund of the City.

(Ord. A-901. Passed 5-21-71; Ord. A-2142. Passed 11- -98; Ord. A-2405. Passed 11-8-04; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14.)

913.10 SEWER TAP PERMIT REQUIRED.

(a) The following procedures are established for a property owner to connect to the sanitary sewer system:

(1) For existing properties that utilize septic tanks or other on-lot disposal system and are desiring connection with the City sewer system shall first have the building drain/sewer inspected to the City's standards prior to obtaining a sewer tap permit. The purpose of this inspection is to identify all lines leaving the building and verify there are no clean water sources and/or building sewer/drain defects.

A. All sanitary, floor drains and grey water drains are to be identified and connected to the building drain or building sewer.

B. Roof drains, yard drains and foundation drains, sump pumps or any other connection allowing clean water shall not be connected to the building drain or building sewer as provided in Section 913.15.

(2) For new properties, the plumbing inspection is required per State Code prior to connecting to the sanitary sewer.

(3) Upon completion of the building drain/sewer inspection, the property owner shall submit to the inspection report and CCTV video to the City when applying for a sewer tap permit. No sewer tap permit will be issued without a completed inspection.

(b) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without complying with these regulations.

(Ord. A-901. Passed 5-21-71; Ord. A-2142. Passed 11- -98; Ord. A-2344. Passed 3-10-03; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14.)

913.11 PERMIT APPLICATION: FEES.

Application for a permit shall be signed by the owner, lessee or agent of the property for which the permit is desired and by the person employed to perform the work. The application must describe the property and state the purpose of which the permit is desired and shall be accompanied by a fee in accordance with the following schedule:

(a) Tap-in charges for sanitary sewers:	
Single-family dwelling unit	\$125.00.
Two or more family dwelling units	\$125.00 for first dwelling unit.
All additional units	\$75.00 each, providing that all units use the same lateral.
Mobile home park	\$125.00 for first mobile home.
All additional mobile homes	\$75.00 each, providing that all mobile homes use the same lateral.
(b) All other uses based on size of water meter and tap fees will be as follows:	
Meter Size (inches)	Tap Fees
5/8	\$125.00
3/4	\$150.00
1	\$200.00
1-1/2	\$300.00
2	\$425.00
3	\$825.00
4	\$1,275.00
6	\$2,525.00
8	\$4,025.00
10	\$5,775.00

(c) When the size of the water meter is increased, a tap charge will be made for the difference in sizes. In the event the proposed user of a sanitary sewer is not a user of water supplied by the City the tap-in fee will be based on the size of the proposed user's own service.

(d) The sewer tap in fee covers the City's costs for inspection of the lateral installation and when applicable, the inspection of the septic tank abandonment.

(Ord. A-1240. Passed 5-15-78-0; Ord. A-2344. Passed 3-10-03; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14; Ord. A-2985, Passed 11-25-19.)

913.111 ADDITIONAL TAP-IN FEES.

(a) Before any property located within an area bounded on the east by Interstate 75, on the south by a line extending 1,600 feet south and parallel to Millcreek and Fair Roads, on the west by a line extending 1,000 feet west and parallel to Kuther Road, and on the north by a line extending 3,200 feet north and parallel to State Route 47, as shown on Exhibit "A" attached to Ordinance A-1573 and made a part hereof, can be connected to the sanitary sewer system, there must be paid, in addition to the tap-in fee required by Section 913.11, a tap-in fee based on the size of the water meter as follows:

Meter Size (inches)	Tap Fees
5/8 x 3/4	\$850.00
3/4	\$1,275.00
1	\$1,912.50
1-1/2	\$3,400.00
2	\$5,100.00
3	\$8,500.00
4	\$17,000.00
6	\$25,500.00

(1) When the size of the water meter is increased, a tap charge will be made for the difference in sizes. In the event the proposed user of a sanitary sewer is not a user of water supplied by the City, the tap-in fee will be based on the size of the proposed user's own water demand, but in no case less than the demand of a 5/8 x 3/4 inch meter.

(2) In the event that the proposed user had a separate NPDES permit, or consumed water in their manufacturing process, or could otherwise establish that the water was not going into the sanitary sewer system, the City Manager may make an administrative adjustment in the above fees.

(b) Before any property located within an area in which the sewage flows into the North Buckeye Avenue trunk sewer, which is located north of Paul Street and under North Buckeye Avenue, and which is bounded on the east by the CSX Transportation Incorporated Railroad, on the south by Paul Street and Paul Street extended from the aforesaid Railroad west to where it would intersect with Interstate Route 1-75, and on the west and north by Interstate Route I-75, as shown on Exhibit "A" attached to Ordinance A-1764 and made a part hereof, can be connected to the sanitary sewer system, there must be paid, in addition to the tap-in fee required by Section 913.11, a tap-in fee based on the size of the water meter as follows:

Meter Size (inches)	Tap Fees
5/8 x 3/4	\$250.00
3/4	\$375.00
1	\$563.00
1-1/2	\$1,000.00
2	\$1,500.00
3	\$2,500.00
4	\$5,000.00
6	\$8,750.00

(1) When the size of the water meter is increased, a tap charge will be made for the difference in sizes. In the event the proposed user of a sanitary sewer is not a user of water supplied by the City, the tap-in fee will be based on the size of the proposed user's own water demand, but in no case less than the demand of a 5/8 x 3/4 inch meter.

(2) In the event that the proposed user had a separate NPDES permit, or consumed water in its manufacturing process, or could otherwise establish that the water was not going into the sanitary sewer system, the City Manager may make an administrative adjustment in the above fees.

(c) Before any property located within an area in which the sewage flows into the North 27" Trunk Sewer, located on St. Rt. 47 and Sidney-Freyburg Road, and servicing the general service area bounded on the east by Lochard Road, on the west by the Railroad running parallel with County Road 25A, on the north by Sharp Road and on Sidney-Freyburg Road from a point approximately 1,200 ft. north of Plum Creek north to Mason Road and other contributing areas to the North 27" Trunk Sewer, as shown on Exhibit "A" attached to Ordinance No. A-2476 and made a part hereof, can be connected to the sanitary sewer system, the owner must pay, in addition to the tap-in fee required by Section 913.11, a tap-in fee based on the size of the water meter as follows:

Meter Size (inches)	Tap Fees
5/8 x 3/4	\$122.27
3/4	\$183.40
1	\$275.10
1-1/2	\$489.07
2	\$733.60
3	\$1,222.67
4	\$2,445.34
6	\$4,279.34

(1) When the size of the water meter is increased, a tap charge will be made for the difference in sizes. In the event the proposed user of a sanitary sewer is not a user of water supplied by the City, the tap-in fee will be based on the size of the proposed users own water demand, but in no case less than the demand of a 5/8 x 3/4 inch meter.

(2) In the event that the proposed user has a separate NPDES permit, or has consumed water in its manufacturing process, or could otherwise establish that the water was not going into the sanitary sewer system, the City Manager may make an administrative adjustment to the above fees.

(Ord. A-1573. Passed 8-11-86; Ord. A-1764. Passed 7-23-90; Ord. A-1866. Passed 9-28-92; Ord. A-2476. Passed 3-27-06; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14.)

913.12 COST AND EXPENSE.

All costs and expense incidental to the inspection, repair, installation and connection of the building drain, building sewer and lateral 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 inspection, repair, installation and connection of the aforementioned.

(Ord. A-901. Passed 5-21-71; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14.)

913.13 SEPARATE SEWER REQUIRED; USE OF EXISTING SEWERS.

(a) A separate and independent building sewer and lateral shall be provided for every building needed to be serviced by a sewer.

(1) The Director may permit multiple buildings to connect where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer provided that ownership of the building sewer remains with the owner of the lot.

(2) In no case shall a building sewer extend beyond a single lot to connect multiple buildings.

(b) Existing building sewers may be used in connection with new buildings only when they are found, on inspection to comply to City standards at the time of connection and to meet all requirements of this chapter.

(Ord. A-901. Passed 5-21-71; Ord. A-2142. Passed 11- -98; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14.)

913.14 CONSTRUCTION CONFORMANCE.

The size, slope, alignment, materials of construction of a building sewer and lateral, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall conform to the requirements of the Building and Plumbing Codes, adopted in Chapter 1301 of Part Thirteen - the Building Code, or other applicable rules or regulations of the City and shall be approved by the Utilities Director.

(Ord. A-901. Passed 5-21-71; Ord. A-2142. Passed 11- -98; Ord. A-2405. Passed 11-8-04; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14.)

913.145 BACKWATER VALVES.

(a) No person shall tap any sewer of the City or make any connection therewith, unless there shall be installed in such connection, or in the building sewer, what is commonly known as a back-water valve where the overflow rim of the lowest plumbing fixture(s) inside the structure is below the rim elevation of the next upstream manhole in the public sewer.

(1) Backwater valves shall be installed so that access is provided to the working parts for service and repair at the owner's expense.

(2) The Health Department shall designate and approve the standard acceptable types of backwater valves that shall

be used. The installation and inspection of backwater valves shall be conducted by the Health Department.

(b) Whenever the Utilities Director shall determine it necessary for the protection from sewer backups, owners of property, which are connected to the City sewer prior to June 1, 2000, shall install back-water valves in the sewer connections to their property.

(c) No owner or occupant of property, having a sewer connection without a backwater valve, who is ordered to install the backwater valve therein shall fail to comply with such order.

(d) The Utilities Director shall promulgate rules covering the conditions where the backwater valves shall be installed.

(Ord. A-2211. Passed 5-8-00; Ord. A-2405. Passed 11-8-04; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14.)

913.15 CLEAN WATER INTRUSION PROHIBITIONS.

(a) No person shall make a connection from their roof downspouts, exterior foundation drains, areaway drains or other similar collections of surface runoff or ground water to a drain which is connected directly or indirectly to a public sanitary sewer.

(b) Any existing structure which has such connections shall be notified in writing by the Utilities Director to disconnect such drains from the public sanitary sewer within 24 months.

(c) Any existing structure which is found to have ground water intrusion into the building sewer shall be notified in writing by the Utilities Director and will be given 24 months to make the necessary repairs.

(d) All cost and expense incidental to the inspection, disconnection or repair mentioned in subsections (a), (b) and (c) above shall be borne by the owner,

(e) Whoever fails to comply with this section after notice has been received shall be guilty of a fourth degree misdemeanor.

(Ord. A-2211. Passed 5-8-00; Ord. A-2405. Passed 11-8-04; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14.)

913.155 BUILDING DRAIN/SEWER DEFECTS PROHIBITED.

(a) Defects of building drains/sewer are prohibited and upon discovery of such shall be ordered by the Director to be abated. Defects shall be abated no later than 24 months after receipt of order.

(1) Defects include but are not limited to:

A. Mineral deposits that indicate leaks have occurred;

B. Separated joints;

C. Offset joints;

D. Roots;

E. Fractures;

F. Collapsed pipe;

G. Restrictions that prevent inspection;

H. Missing or defective clean out caps;

I. Any other defect that may cause clean water to enter the sanitary sewer;

J. Unidentified connections and/or connections of potential clean water sources such as, but not limited to, downspouts, sump pumps, foundation drains, driveway drains, and yard drains;

K. Observed active leaks.

(2) The Director may require abatement to occur in a period of less than 24 months when, in his or her judgment, delaying abatement puts the POTW at risk, public health may be adversely affected or there has been a previously abated clean water source reconnected.

(b) Any property owner may transfer ownership of the portion of an existing building sewer that resides within the public right-of-way to the City provided that:

(1) A clean out or other structure and its location approved by the Director is provided;

(2) The administrative fees are paid;

(3) A signed "building sewer lateral transfer agreement" is submitted to the City.

(c) The Director may waive the administrative fee and the requirement for the property owner to provide a clean out if transfer of the building sewer residing in the right of way is desired by the City as part of a utilities or public works project.

(Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14.)

913.16 CONNECTIONS; STANDARDS.

The connection of the lateral to the sewer, the building sewer to the lateral and the connection of the building sewer to the building drain shall conform to the requirements of the Building and Plumbing Code, adopted in Chapter 1301 of Part Thirteen - the Building Code, or other applicable rules and regulations of the City, or to the procedures set forth in appropriate specifications of the WEF 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 Utilities Director before installation.

(Ord. A-901. Passed 5-21-71; Ord. A-2142. Passed 11- -98; Ord. A-2405. Passed 11-8-04; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14.)

913.17 INSPECTION.

- (a) The applicant for a sewer permit shall notify the Utilities Director when the sewer is ready for inspection.
- (b) The connection to the public sewer, lateral and the connection between the building drain and the building sewer, as well as the entire building sewer, shall remain uncovered until approved by the Director or his representative.
- (c) When applicable, upon completion of the sewer connection, the property owner shall abandon the on-lot sewage disposal system in accordance with the Health Department procedures and shall be inspected and approved by the Director or his representative.
 - (1) The City shall forward the septic tank abandonment inspection form to the Health Department.
 - (d) The lateral from the sewer main up to and including the clean out or other approved structure in the right-of-way shall be turned over to the City and shall become part of the City's POTW upon passing a sewer inspection.
 - (e) Because I&I will, over time, increase as a system ages, whether it is a private or public sewer and I&I is a major contributor to sanitary sewer overflows (SSOs), back-ups into basements (WIBs), and bypasses at the WWTP, and all of these conditions are a violation of the City's NPDES permit issued by the Ohio EPA, the Director shall create and maintain standards for inspections of private sewers. Inspections shall be required when one or more of the following conditions are applicable:
 - (1) Flow monitoring in the sanitary sewer identifies that inflow and/or infiltration is occurring in the tributary sewerage service area.
 - (2) Publicly available evidence indicates that a defect may be present and/or inflow and/or infiltration is entering a building drain and/or building sewer.
 - (3) The private sewer has not previously been inspected and has not previously passed an air test as described in the City's Engineering Standard.
 - (f) The Director shall establish standards for such inspections and shall require a CCTV inspection of any and all portion of the building drain and building sewer that cannot be visually inspected. All inspection reports and CCTV video shall be submitted to the City for review and evaluation no later than twelve months after being so ordered.
 - (1) All inspection reports submitted to the City shall include a signed certification statement by the person that performed said inspection.
 - (2) Cost and expense of inspecting building drains and building sewers for defects and/or clean water connections shall be borne by the owner.

(Ord. A-901. Passed 5-21-71; Ord. A-2142. Passed 11- -98; Ord. A-2344. Passed 3-10-03; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14; Ord. A-2813. Passed 2-2-15.)

913.18 EXCAVATION; BARRICADES; RESTORATION REQUIRED.

All excavations for building sewer installation shall be adequately guarded with barricades and lights 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. A-901. Passed 5-21-71; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14.)

913.19 SURFACE WATER; PROCESS WATERS PROHIBITED.

- (a) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters into any sanitary sewer.

(b) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Utilities Director. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Directors into a storm sewer or natural outlet.

(Ord. A-901. Passed 5-21-71; Ord. A-2142. Passed 11- -98; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14.)

913.20 PROHIBITED DISCHARGES.

No discharger shall discharge or cause to be discharged, directly or indirectly, any of the following described substances into the wastewater disposal system or otherwise to the facilities of the City:

- (a) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flash point of less than 140° F. or 60° C. using the test method specified in 40 C.F.R. 261.21.
- (b) Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater system.
- (c) Any wastewater having a pH less than 5.5 or higher than 10.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the system.
- (d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction to injure or interfere with any wastewater treatment process, or constitute a hazard to humans or animals.
- (e) 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, create a public nuisance or are sufficient to prevent entry into the sewers for their maintenance and repair.
- (f) Any substance which may cause the POTW's effluent or treatment residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State standards applicable to the sludge management method being used.
- (g) Any substance which will cause the POTW to violate its NPDES and/or other disposal system permits.
- (h) Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference; but in no case, wastewater with a temperature at the introduction into a POTW which exceeds 40° C. (104° F.).
- (j) Any slugload. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local Pretreatment Standards or Requirements. (At the City's determination a slug load discharge control plan may be required of any discharger to the POTW.)
- (k) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as exceed limits established by the City in compliance with applicable State or Federal regulations.
- (l) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the Utilities Director.
- (m) Any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
- (n) Any discharge from cooling towers, boilers, closed-loop heat transfer systems and/or any other cooling or heating system treated with molybdenum-containing water treatment chemicals.

(Ord. A-1742. Passed 1-22-90; Ord. A-1810. Passed 5-28-91; Ord. A-2142. Passed 11- -98; Ord. A-2698. Passed 10-24-11; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14.)

913.205 ACCESS TO SEWER SYSTEM.

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 Utilities 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 Utilities Director, shall be considered a violation and shall be subject to enforcement action, including fines and penalties allowed by this chapter.

(Ord. A-1810. Passed 5-28-91; Ord. A-2142. Passed 11- -98; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14.)

913.21 LIMITATIONS ON WASTEWATER STRENGTH.

- (a) National Categorical Pretreatment Standards. National Categorical Pretreatment Standards as promulgated by the U.S. EPA pursuant to the Act shall be met by all dischargers of the regulated industrial categories.
- (b) State Standards. State standards shall be met by all dischargers who are subject to such standards.
- (c) Local Standards. All discharges shall comply with the average and/or instantaneous concentrations as stated and defined in the most recent revision of Technical Document No. 001 **, as measured at a point prior to discharge to the public sewer. When required by the discharger's permit, the average concentration shall be determined by obtaining a composite sample of the wastewater collected over a continuous 24-hour period. The composite sample shall be either flow proportioned, or if approved by the Director, time proportioned. When required by the discharger's permit, the instantaneous concentration shall be determined by obtaining a grab sample of the wastewater in accordance with established sampling procedures set forth by the Ohio Environmental Protection Agency and the United States Environmental Protection Agency.

The Utilities Director may impose mass limitations for specific substances when it is determined that the imposition of mass limitations is necessary either to protect the treatment works, sludge disposal processes, sludge disposal options and receiving streams, or to comply with the City's NPDES permit. The mass limits may be raised, to allow for expanding operations, through a petition and application to the Director. Conversely, the Utilities Director may reduce the mass limits if it is determined that the facilities operations have decreased enough to warrant a change to the permit limits. The City reserves the right to impose average concentration limits, for industrial users, using any one of four methods, described in the EPA's *Guidance Manual on the Development and Implementation of Local Discharge Limitations Under the Pretreatment Program*, December 1987, that effectively allocate maximum allowable headworks loadings.

** Technical Document No. 001 - Wastewater Discharge Limits: Copies of the City of Sidney's average standards are available from the Director upon request.

- (d) Dilution. No discharger shall increase the use of potable or process water in any way for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this chapter.

(e) Accidental Discharges. Each discharger shall provide protection from slug loads, accidental discharge of prohibited or regulated materials or substances established by this chapter. Where necessary, facilities to prevent accidental discharge of prohibited materials and slug loads shall be provided and maintained at the discharger's cost and expense. Detailed plans; a slug load discharge control plan, showing facilities and operating procedures, (best management practices), to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction of the facility. Review and approval of such plans and operating procedures by the City shall not relieve the discharger from the responsibility to modify its facility as necessary to meet the requirements of this chapter.

(f) Provisions for Modifying Standards.

(1) The City reserves the right to periodically review and amend this chapter to assure compliance by the City with applicable Federal and State laws and regulations.

(2) All categorical standards promulgated by the U.S. EPA shall be included by reference as part of the limitations defined in subsection (a) hereof.

(3) An application for modification of any National Categorical Pretreatment Standard may be considered for submittal to the Regional Administrator by the City when:

A. The POTW meets the consistent removal criteria defined in 40 C.F.R. 403.7(A); and

B. Sufficient data is obtained in accordance with 40 C.F.R. 403.7(c). All information necessary to apply for a modification must be obtained by the industrial discharger(s), at no cost to the City.

(4) All State and other governmental standards shall be included by reference as part of the limitations defined in subsection (b) hereof.

(5) Any changes to this section shall include a reasonable time schedule for compliance. Such time schedule shall not exceed two years except under unusual circumstances and only after the approval of the Utilities Director.

(g) Control Mechanisms. The City may issue control mechanisms to each industrial user's contribution to the POTW to ensure compliance with applicable pretreatment standards and requirements. In the case of industrial users identified as significant under paragraph (S) of rule 3745-3-01 of the Administrative Code, this control shall be achieved through individual or general control mechanisms issued to each such user or group of users. Both individual and general control mechanisms shall be enforceable and, at a minimum, shall include all of the following:

(1) A statement of duration (in no case more than five years).

(2) If determined by the POTW to be transferable, a statement of transferability with, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator.

(3) Effluent limits that are based on applicable general pretreatment standards in rule 3745-3-04 of the Administrative Code, categorical pretreatment standards, local limits, and state and local law.

(4) Requirements for all of the following:

A. Self-monitoring, including an identification of the pollutants to be monitored or the process for seeking a waiver from monitoring a pollutant neither present nor expected to be present in the discharge in accordance with paragraph (C)(1)(d) of rule 3745-3-03 of the Administrative Code, sampling location, sampling frequency, and sample type based on the applicable general pretreatment standards in rule 3745-3-04 of the Administrative Code, categorical pretreatment standards, local limits, state, and local law.

B. Reporting.

C. Notification and recordkeeping.

(5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines.

(6) Requirements to control slug discharges, if determined by the POTW to be necessary.

(Ord. A-1742. Passed 1-22-90; Ord. A-2051. Passed 8-26-96; Ord. A-2142. Passed 11- -98; Ord. A-2396. Passed 8-23-04; Ord. A-2698. Passed 10-24-11; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14; Ord. A-3022. Passed 10-26- 20.)

913.22 DATA DISCLOSURE REQUIRED FOR INDUSTRIAL DISCHARGES.

(a) Compliance. All industrial dischargers proposing to connect to or to discharge sewage, industrial wastes and other wastes to the POTW shall comply with all terms of this chapter. All existing industrial dischargers connected to or discharging to the POTW shall also comply with all terms of this chapter.

(b) Wastewater Discharge Data Disclosure. Industrial dischargers shall complete and file with the Utilities Director, a disclosure declaration in the form prescribed by the Director, and accompanied by the appropriate fee. Existing industrial dischargers shall file disclosure forms within 90 days after effective date of this section, and proposed new dischargers and existing dischargers who plan to modify their processes and/or wastewater characteristics shall file their disclosure forms at a time mutually agreeable between the City and discharger but more than 90 days prior to any connection or change. The disclosure to be made by the discharger shall be made on forms provided by the Director and shall cover:

(1) Disclosure of name, address and location of the discharger.

(2) Disclosure of Standard Industrial Classification (SIC) number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.

(3) Disclosure of wastewater constituents and characteristics including, but not limited to, those mentioned in this chapter.

(4) Disclosure of time and duration of discharges.

(5) Disclosure of average daily and instantaneous peak wastewater flow rates, in gallons per day, including daily, monthly and seasonal variations, if any. All flows shall be measured unless other verifiable techniques are approved by the Utilities Director due to cost or non-feasibility.

(6) 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.

(7) 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.

(8) Disclosure of each type of product produced.

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

(10) 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. This disclosure shall include a list of Best Management Practices (BMPs), equipment, facilities, and operating procedures in place to prevent releases and discharges of prohibited substances. Industrial dischargers shall notify the POTW immediately of any changes at its facility affecting potential for a slug discharge. The Slug Load Discharge Control Plan is part of this disclosure requirement and must be reviewed at least once per permit cycle.

(11) Disclosure of additional operation and maintenance activities and/or additional pretreatment if consistent compliance is not being achieved. A compliance schedule shall be provided in accordance with subsection (d) hereof.

(12) New industrial categorical users shall complete a baseline monitoring report in accordance with Section 913.25.

(13) **Monitoring Waivers:** The City may authorize, at its discretion, an industrial user subject to a categorical pretreatment standard, except for centralized waste treatment facilities regulated by and defined in 40 C.F.R. 437, to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the

industrial user. This authorization is subject to the following conditions:

- A. The City may authorize a waiver where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater;
- B. A monitoring waiver is valid only for the duration of the effective period of the permit or other equivalent individual control mechanism, but in no case longer than five years. The industrial user shall submit a new request for the waiver before the waiver can be granted for each subsequent control mechanism;
- C. In making a demonstration that a pollutant is not present, the industrial user shall provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes. The request for a monitoring waiver shall be signed in accordance with paragraph (F) of rule 3745-3-06 of the Administrative Code, and include the certification statement in 40 C.F.R. 403.6(a)(2)(ii). Non-detectable sample results may only be used as a demonstration that a pollutant is not present if the USEPA approved analytical method from 40 C.F.R. 136 with the lowest method detection limit for that pollutant was used;
- D. The City shall include any monitoring waiver as a condition in the industrial user's control mechanism;
- E. The reasons supporting any monitoring waiver and any information submitted by the user in its request for the waiver shall be maintained by the City for three years after expiration of the waiver;
- F. Upon approval of the monitoring waiver and revision of the industrial user's control mechanism by the City, the industrial user shall certify on each periodic compliance monitoring report required by paragraph (E) of rule 3745-3-06 of the Administrative Code with the following statement:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standards under 40 C.F.R. [specify applicable national pretreatment standard part or parts], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant or pollutants] in the wastewaters due to the activities at the facility since submittal of the last periodic report under paragraph (E) of rule 3745-3-06 of the Administrative Code."
- G. In the event that a waived pollutant is found to be present or is expected to be present based on changes that occur in the industrial user's operations, the user shall be required to immediately:
 1. Notify the City in writing; and
 2. Comply with the monitoring requirements specified in the POTW's pretreatment program;
- H. The provision for a monitoring waiver does not relieve the industrial user of any other certification processes and requirements established by the City or in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.

(14) All disclosure forms shall be signed by a principal executive officer of the discharger.

(c) Evaluation and Approval. The Utilities Director will evaluate the completed disclosure forms and data furnished by the discharger and may require additional information. Within thirty days after full evaluation and acceptance of the data furnished, the Director shall notify the discharger of the Director's acceptance thereof.

(d) Compliance Schedule. Where additional pretreatment and/or operation and maintenance activities will be required to comply with this chapter, the discharger may be required to provide a compliance schedule in accordance with Section 913.33 (d).

(Ord. A-1742. Passed 1-22-90; Ord. A-2142. Passed 11- -98; Ord. A-2698. Passed 10-24-11; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14; Ord. A-3022. Passed 10-26-20.)

913.23 NUISANCE REMEDIES.

If any waters or wastes are discharged, or are proposed to be discharged into the public sewers, which contain the substances or possess the characteristics enumerated in Section 913.21, and which in the judgment of the Utilities Director may have a deleterious effect upon the Wastewater Treatment System, or which otherwise create a hazard to life or constitute a public nuisance, the Director may:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (c) Require control over the quantities and rates of discharge;
- (d) Require payment to cover the added cost of handling and treating wastes as provided in Section 913.235;
- (e) Issue a "Variance" to the Industrial Discharge Permit to allow for special treatment that would otherwise be described as a prohibitive discharge as provided in Section 913.20. In no such case, shall the special treatment cause a detrimental effect on the sewage works system or the environment. If the Utilities Director 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 Director and subject to the requirements of all applicable codes, ordinances and laws.

(Ord. A-1068. Passed 1-6-75; Ord. A-2142. Passed 11- -98; Ord. A-2211. Passed 5-8-00; Ord. A-2405. Passed 11-8-04; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14.)

913.235 CHARGES FOR EXCESSIVE LOADS.

(a) Any customer, whether an individual, corporation, partnership or otherwise, who is connected to the City sanitary sewer system and who contributes wastes exceeding the normal domestic waste standards set forth herein, shall pay an additional charge to cover the costs of handling those wastes.

(b) The limits for normal domestic wastes are established as follows:

- (1) Chemical oxygen demand - 750 mg/1;
- (2) Total suspended solids - 280 mg/1.

(c) For use in determining the COD and total suspended solids concentrations, an average will be used which will be established from a minimum of two tests per month taken on composite samples. All analyses shall conform to the most recent edition of the *Standard Methods for Examination of Water and Wastewater*, subsequently adopted.

(Ord. A-1068. Passed 1-6-75; Ord. A-2250. Passed 5-29-01.)

(d) The charges for handling those wastes exceeding the limits set forth above shall be based on the City's previous two-year annual costs for sewer administration; sewer collection; industrial pretreatment; wastewater plant; and equipment replacement costs (less billing and debt service).

The loadings, averaged over the last five years, will be used in the calculations that follow. Cost data used in compiling these formulas represent the actual history of expenses from the previous two years for the wastewater treatment plant.

(1) Allocation of costs:

- A. Flow: 37.8%;
- B. Total Suspended Solids ("TSS"): 30%;
- C. Chemical Oxygen Demand ("COD"): 32.20%.

(2) Formulas to determine unit cost:

A. "TSS" Unit Costs = Previous 2 years average annual sewer costs x 30%

Previous 5 year "TSS" loading average @ WWTP

2017 - 2018 Unit Costs = $(\$4,035,956 \times 0.30) = \0.52 per lb. TSS

2,328,335 lbs. raw TSS

B. "COD" Unit Cost = Previous 2 years average annual sewer costs x 32.2%

Previous 5 year average "COD" loading average @ WWTP

2017 - 2018 Unit Costs = $(\$4,035,956 \times 0.322) - \$0.188 \text{ per lb. COD}$

6,924,853 lbs. raw COD

(3) Formulas to compute quarterly surcharges:

A. Total Suspended Solids (TSS):

Quarterly Volume (cu.ft.) x 62.383 1bs. x (TSS ppm value-280 ppm)

1,000,000 cu.ft.= Excess lbs. of SS

"TSS" surcharge - (Excess lbs. of TSS) x (TSS unit costs)

B. Chemical Oxygen Demand (COD):

Quarterly Volume (cu.ft.) x 62.383 lb x (COD ppm value -750 ppm)

1,000,000 cu.ft. = Excess lbs. of COD

"COD" Surcharge = (Excess lbs. of COD) x (COD unit costs).

(4) These charges shall be reviewed every two years and revised as necessary.

(Ord. A-1595. Passed 12-8-86; Ord. A-2133. Passed 7-13-98; Ord. A-2250. Passed 5-29-01; Ord. A-2404. Passed 11-8-04; Ord. A-2504. Passed 2-12-07; Ord. A-2589. Passed 11-10-08; Ord. A-2673. Passed 2-28-11; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14; Ord. A-2819. Passed 4-27-15; Ord. A-2896. Passed 4-24-17; Ord. A-2968. Passed 4-22-19.)

913.24 INTERCEPTORS.

(a) Grease, oil, and sand interceptors or traps shall be installed when, in the opinion of the Utilities Director, they are necessary to properly handle liquid wastes containing grease in excessive amounts or flammable wastes or sand and other harmful ingredients to the public sewer system. Interceptors or traps shall not be required for private living quarters or dwelling units unless commercial food preparation is being performed on the premises.

(b) Interceptors or traps shall be of a type and capacity approved by the Health Department and shall be readily and easily accessible for cleaning and inspection. The interceptor shall be constructed of impervious materials capable of withstanding abrupt and extreme temperature changes, shall be of substantial construction, gas-tight, water-tight, and shall be equipped with easily removable covers.

(c) The sizing and installation of such interceptors and traps shall be under the authority of the Health Department.

(d) Where installed, all grease, oil and sand interceptors shall be maintained in an efficient manner at all times at the owners expense.

(e) The use of biological enzymes or chemical agents for the emulsion or reduction of oils and greases are prohibited.

(f) All buildings or establishments that employ the use of grease traps or oil interceptors shall be required to pump and clean the unit at least annually at the owners expense. Certification or proof of the cleaning shall be forwarded to the Director no later than 30 days after cleaning and pumping has taken place.

(g) The Director may require more frequent cleaning of the grease trap or interceptor if needed for the protection of the sanitary sewers.

(h) The Director or his designee shall have the authority to inspect all interceptors and traps to verify compliance with this section.

(i) The approval of special interceptors by the Director does not in any way guarantee their functioning in the manner described by the contractor or manufacturer; nor shall it relieve a person of the responsibility of enlarging or otherwise modifying the interceptors to accomplish the intended purpose.

(Ord. A-901. Passed 5-21-71; Ord. A-2142. Passed 11- -98; Ord. A-2211. Passed 5-8-00; Ord. A-2405. Passed 11-8-04; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14.)

913.25 REPORTING REQUIREMENTS FOR INDUSTRIAL DISCHARGERS.

(a) Baseline Monitoring Reports.

(1) Categorical industrial users are required to submit to the City a baseline report, as described in paragraph (b) of this rule. The baseline report shall include the following contents, as applicable, and be submitted to the City through the Data Disclosure Form process as described in Section 913.22.

A. Existing industrial users subject to such categorical standards and currently discharging to, or intending to discharge to a POTW shall submit to the control authority a baseline report which contains the information listed in paragraphs (b)(1) to (b)(8) of this rule. The industrial user shall submit this information to the City within 180 days after the effective date of a categorical pretreatment standard, or 180 days after the final administrative decision made upon a category determination submission under paragraph (H) of rule 3745-3-09 of the Administrative Code, whichever is later.

B. New sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the City a report which contains the information listed in paragraphs (b) (1) to (b)(6) of this rule at least 90 days prior to commencement of discharge. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in paragraphs (b)(4) and (b)(5) of this rule.

(2) Where the industrial user's categorical pretreatment standard has been modified by a removal allowance, fundamentally different factor variance, or the combined wastestream formula under paragraph (I)(1) of rule 3745-3-09 of the Administrative Code, at the time the user submits the baseline report the information required by paragraphs (b)(6) and (b)(7) of this rule shall pertain to the modified limits.

(3) If the applicable categorical pretreatment standard is modified by a removal allowance, fundamentally different factor variance, or the combined wastestream formula under paragraph (I)(1) of rule 3745-3-09 of the Administrative Code after the user submits the baseline report, any necessary amendments to the information requested by paragraphs (b)(6) and (b)(7) of this rule shall be submitted by the user to the control authority within 60 days after the modified limit is approved.

(b) Baseline Report Requirements. The baseline report required by paragraph (a) of this rule shall contain all of the following information:

- (1) The name and address of the facility, including the name of the operator and owners.
- (2) A list of any environmental control permits held by or for the facility.
- (3) A brief description of the nature, average rate of production, and standard industrial classification of the operation

carried out by such industrial users. This description shall include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(4) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from both of the following:

A. Regulated process streams.

B. Other streams as necessary to allow use of the combined wastestream formula of 40 C.F.R. 403.6. The City may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(5) Measurement of pollutants.

A. The user shall identify the pretreatment standards applicable to each regulated process.

B. The user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or control authority) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the standard requires compliance with a BMP or a pollution prevention alternative, the industrial user shall submit documentation as required by the City or the applicable standards to determine compliance with the standard.

C. The user shall take a minimum of one representative sample from each sampling location, as approved by the control authority, to comply with the requirements of this paragraph.

D. Sampling and analyses shall be performed in accordance with paragraph (G) of the Administrative Code 3745-3-06.

E. The baseline report shall indicate the time, date and place, of sampling, and methods of analysis.

F. The City may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

(6) A statement, reviewed, signed, and certified by an authorized representative of the industrial user, as defined in paragraph (i) of this rule, certifying that the information reported is representative of normal work cycles and expected pollutant discharges to the POTW.

(7) A statement, reviewed, signed, and certified by an authorized representative of the industrial user, as defined in paragraph (i) of this rule, indicating whether pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance, or additional pretreatment is required by the industrial user to meet the pretreatment standards and requirements.

(8) If additional pretreatment operation and maintenance, or both, will be required to meet the categorical pretreatment standards, the shortest schedule by which the industrial user will provide such additional measures. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

(9) The schedule required by paragraph (b)(8) of this rule 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 industrial user to meet the applicable categorical pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executive contract for major components, commencing construction, completing construction, etc). No increment shall exceed nine months.

(10) Not later than 14 days following each date in the schedule required by paragraph (b)(8) of this rule and the date for final compliance with the applicable categorical pretreatment standard or standards, the industrial user shall submit a progress report to the City including, at a minimum, whether or not compliance with the increment of progress has been met on such date and, if not, the date on which compliance with this increment of progress is expected, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the City.

(c) Initial Compliance Report. Within 90 days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any industrial user subject to categorical pretreatment standards shall submit to the City a report containing the information described in paragraphs (b)(4) to (b)(7) of this rule. For industrial users subject to equivalent mass or concentration limits established by the City in accordance with the procedures in paragraph (I) of rule 3745-3-09 of the Administrative Code, this report shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.

(d) Periodic Compliance Reports. Any significant industrial user discharger subject to a Categorical Pretreatment Standard or local limits set forth in this chapter, after the compliance date of such pretreatment standard, or in the case of a new discharger, after commencement of the discharge to the City, or subject to discharge limitations as defined by Section 913.21(g), shall submit to the City during the months of July and January, 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.

Cost for the monitoring and analysis shall be borne by the discharger. The Utilities Director for good cause shown may authorize the submission of such reports on months other than those specified above.

(e) Local Limits. The Utilities Director may require the discharger to self-monitor its flow and analyze its characteristics, to properly define the concentration of various pollutants, and to ascertain compliance with the limits defined in Section 913.21(c). Cost for all self-monitoring efforts shall be borne by the discharger.

(f) Operating upsets.

(1) Any discharger which experiences an upset in operations or causes the discharge of a slug load, which places the discharger in a temporary state of noncompliance with this chapter shall immediately inform the Utilities Director or his or her designee as listed in the discharge permit by telephone.

(2) A written follow-up report thereof shall be filed by the discharger with the Director within five days. The report shall specify:

A. Description of the upset, the cause thereof and the upset's impact on a discharger's compliance.

B. Duration of noncompliance, including exact dates and times of noncompliance, and if the non-compliance continues, the time by which compliance is reasonably expected to occur.

C. All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of non-compliance.

(3) A documented and verified operating upset may be an affirmative defense to any enforcement action brought by the City against a discharger for any noncompliance with this chapter, which arises out of violations alleged to have occurred during the period of the upset.

(4) BMP compliance reporting. Industrial users shall submit documentation indicating compliance with any and all best management practices established by Section 913.21(e) to prevent releases and discharges of prohibited substances. Reports must be received by January 10 and July 10 for the preceding six months, and submitted to the Industrial Pretreatment Coordinator. Failure to abide by any best management practices can result in a finding of significant non-compliance.

(g) Notice to City.

(1) All industrial users shall notify the Utilities Director at least 30 days in advance of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater characteristics of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 C.F.R. 403.12(p).

(2) Slug load discharges.

A. As defined in Section 913.20, "No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local Pretreatment Standards or Requirements."

B. All industrial users are required to notify the City if there is a change to the potential for a slug load discharge to occur.

(h) Reports of All Monitoring. If an industrial user subject to the reporting requirements described in any Federal Categorical Regulation, or as described in Section 913.21 (g), monitors any pollutant more frequently than required, the results of this monitoring shall be included in the semiannual report. If sampling performed by an industrial user indicates a violation, the user shall notify the City within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit to the City the results of the resampling within 30 days after becoming aware of the violation. However, the industrial user is not required to resample if:

(1) The City performs sampling at the industrial user at a frequency of at least once per month; or

(2) The City performs sampling at the industrial user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

(3) If the City performs the initial sampling and analysis that indicates a violation, then the City will perform the repeat sampling and analysis within 30 days of becoming aware of the violation unless it notifies the user of the violation and requires the user to perform the repeat sampling and analysis.

(i) Signing of Reports.

(1) The reports and certifications required by this rule shall include the following certification statement and shall be signed by an authorized representative of the industrial user, as follows.

"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."

(2) An authorized representative may be any of the following:

A. A responsible corporate officer, if the industrial user submitting the reports required by this rule is a corporation. For the purpose of this paragraph, a "responsible corporate officer" means one of the following:

1. 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-making or decision-making functions for the corporation.

2. The manager of one or more manufacturing, production, or operation facilities, provided the manager meets all of the following:

a. Is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and of initiating and directing other comprehensive measures, to assure long-term environmental compliance with environmental laws and regulations.

b. Can ensure that the necessary systems are established or that the necessary actions are taken to gather complete and accurate information for control mechanism requirements.

c. Is assigned or delegated the authority to sign documents in accordance with corporate procedures.

B. A general partner or proprietor if the industrial user submitting the report is a partnership or sole proprietorship, respectively.

C. A member or manager if the industrial submitting the report is a limited liability company.

D. A duly authorized representative of the individual designated in paragraph (i)(2)A., (i)(2)B., or (i)(2)C. of this rule if all of the following apply:

1. The authorization is made in writing by the individual described in paragraph (i)(2)A., (i)(2)B., or (i)(2)C. of this rule.

2. The authorization specifies 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.

3. The written authorization is submitted to the City.

E. If an authorization under paragraph (i)(2)D. of this rule 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 (i)(2)D. of this rule shall be submitted to the City prior to or together with any reports to be signed by an authorized representative.

(j) Additional Pretreatment. If additional pretreatment and/or O&M activities are necessary to comply with the Categorical Standards, local limits, or related prohibited discharges, a schedule shall be negotiated in accordance with Section 913.33(d). The final date on which additional pretreatment and/or O&M activities are implemented shall be no later than the compliance date established in the final promulgation of such Categorical Standards, local limits, or related prohibited discharges.

(Ord. A-1742. Passed 1-22-90; Ord. A-1810. Passed 5-28-91; Ord. A-2142. Passed 11- 98; Ord. A-2405. Passed 11-8-04; Ord. A-2549. Passed 1-28-08; Ord. A-2698. Passed 10-24-11; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14; Ord. A-3022. Passed 10-26-20.)

913.26 MANHOLES.

When required by the Utilities Director, the owner of any property serviced by a building sewer shall install at his or her expense, a suitable control manhole together with necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. The manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Director. The manhole shall be maintained by the owner so as to be safe and shall be accessible to the City at all times.

(Ord. A-901. Passed 5-21-71; Ord. A-2142. Passed 11- 98; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14.)

913.265 TAPPING OF MANHOLES.

(a) Tapping of manholes will not be permitted without authorization from the Utilities Director. Tapping of manholes will not be authorized if a tap can be made on the sewer main.

(b) Requests for tapping of manholes due to special circumstances shall be made in writing to the Director with the following attachments to the request: profile of the sewer main, proposed utility layout, description of how the tap will be made.

(c) In all instances, tapping of manholes shall follow City regulations. Outside drops will be required if the invert of the new sewer lateral or main extension is more than 18 inches higher than the main sewer invert. Construction of the outside drop shall conform to City referenced standards. All connections to the manhole will be watertight and shall be made with a boot.

(Ord. A-2211. Passed 5-8-00; Ord. A-2405. Passed 11-8-04; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14.)

913.27 TESTS, MEASUREMENTS AND METERING.

(a) Approved Methods. Testing of wastewater should be done in accordance to the methods prescribed in 40 C.F.R. Part 136 and amendments thereto. Where 40 C.F.R. Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Utilities Director determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using analytical methods or other applicable sampling analytical procedures approved by the Director. Tests shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property.

(1) Grab samples shall be used for pH, hexavalent chromium, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples shall be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the City.

(2) Using protocols (including appropriate preservation) specified in 40 C.F.R. 136 and appropriate USEPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for hexavalent chromium, cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved USEPA methodologies may be authorized by the control authority, as appropriate.

(b) Waste Sampling. Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of such wastes. The determinations shall be made as often as may be deemed necessary by the Director. Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Director. Installation, operation and maintenance of the sampling facilities shall be the responsibility of the industrial user discharging the waste and shall be subject to the approval of the Director or his or her duly authorized representative at all times. Samples shall be collected and preserved in accordance with 40 C.F.R. Part 136.

(c) Measurement of Flow.

(1) When required by the Director a parcel of land, building or premises discharging wastewater either directly or indirectly shall install a suitable sewer meter in order to determine the sewer service charge or rental provided herein at the expense of the industrial user.

(2) The type of sewer metering device shall be approved by the Director. Following approval and installation, such meters may not be removed without the consent of the Director.

(3) The user shall be required to calibrate the meter according to the manufacturer's recommendation. The industrial user shall maintain records of the calibration results and shall provide such documentation to the City as requested.

(4) In the event of a meter failure or inaccuracy, the user shall be required to report the problem to the Industrial Pretreatment Coordinator within 24 hours.

A. The sewer meter reading will be used as the basis for sewer volume and surcharge billings.

B. In the event of a meter failure, if the sewer meter is repaired and fully operational within 30 days of the initial notification, the flows for the quarter in which the meter failed shall be determined by using the average difference between the water and sewer meter reading for the previous 12 months.

C. If the sewer meter is not repaired and fully operational within 30 days of the initial notification, the flows for the quarter in which the meter failed shall be determined using the water meter readings for said quarter per Section 915.05.

(5) The Utilities Director shall have the authority allow users not otherwise required, to install sewer flow meters at their request.

(6) In the event that the sewer meter shall fail and the user is not a City water user and the usage cannot be measured by a City water meter, then, in each such case the amount of water so used shall be otherwise estimated or determined by the Director by other means, in order to determine the sewer service charge or rental provided herein.

(d) Analysis. Laboratory procedures used for the analysis of industrial wastes shall be those set forth in 40 C.F.R. Part 136. However, alternative methods for certain analysis of wastes may be used, subject to mutual agreement between the Director and the user. Analysis of the wastes shall be made by the user discharging them, or his or her agent, as designated and required by the Director. The City may also make its own analysis of wastes, and these determinations shall be binding

as a basis for charges.

(e) Limitations on Radioactive Wastes. No user shall discharge, or cause to be discharge, any radioactive waste into a public sewer, except when the industrial user is authorized to use radioactive materials by the Ohio Department of Health or other governmental agency empowered to regulate the use of radioactive material, and when the industrial user is in compliance with all rules and regulations of all other applicable regulatory agencies.

(Ord. A-2051. Passed 8-26-96; Ord. A-2211. Passed 5-8-00; Ord. A-2405. Passed 11-8-04; Ord. A-2549. Passed 1-28-08; Ord. A-2698. Passed 10-24-11; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14.)

913.28 FILING INFORMATION AND DATA.

(a) Any record, report, or other information obtained under this chapter shall be available to the public, except upon a showing satisfactory to the City that all or part of such record, report, or other information, other than effluent data, would divulge methods or processes entitled to protection as trade secrets, in which instance the City shall consider such record, report, or other information or part thereof as confidential and administer such record, report, or other information pursuant to this rule. Wastewater constituents and characteristics and other effluent data, as defined in 40 C.F.R. 2.302, shall not be considered confidential information and shall be available to the public without restriction. All other information that is submitted to the state or POTW shall be available to the public at least to the extent provided by 40 C.F.R. 2.302.

(b) A request for confidential treatment shall be submitted to the City simultaneously with submission of the specific record, report, or other information with documentation sufficient to support that the record, report, or other information is confidential. Failure to make such timely request shall constitute a waiver of the right to prevent public disclosure. A request at a later time will be entertained by the City, but the City will not be liable for any information released prior to receiving the request.

(c) A decision as to whether to treat the record, report, or other information as confidential shall be made by the City within 45 days of receipt of the request and accompanying documentation. Until such decision is made, the record, report, or other information or part thereof, shall be treated as confidential. The person requesting confidentiality shall be notified in writing of the City's decision.

(d) Any record, report, or other information determined to be confidential may be disclosed, without such person's consent in any of the following circumstances:

- (1) To officers, employees, or authorized representatives of the state or a federal agency.
- (2) In any judicial proceeding.
- (3) In any administrative hearing.

(Ord. A-3022. Passed 10-26-20.)

913.29 TAMPERING, DAMAGING POTW PROHIBITED.

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

(Ord. A-901. Passed 5-21-71; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14.)

913.30 AUTHORITY OF DIRECTOR OF UTILITIES; COUNCIL.

(a) The Utilities Director is authorized and directed to adopt and enforce specifications and regulations in accordance with the provisions of Sections 913.01 through 913.30 for the purpose of reducing inflow and infiltration, providing control of the installation of sewer connections and the inspection thereof. The Director shall maintain accurate and complete records of all permits issued and inspections made. The Utilities Director is empowered to require the abandonment and removal of connections to the public storm sewers which violate the provisions of this chapter.

(b) Council affirms that the sanitary sewers and the sanitary sewer system of the City are under the exclusive control of the Utilities Director as provided for in Ohio R.C. 729.50, and Council has the general power of such sanitary sewer system as provided for in Ohio R.C. 727.01.

(Ord. A-901. Passed 5-21-71; Ord. A-2142. Passed 11- -98; Ord. A-2405. Passed 11-8-04; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14.)

913.31 POWERS AND AUTHORITY OF INSPECTORS; RIGHT OF ENTRY.

(a) The Utilities Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The Director or his or her representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries 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 Utilities Director or duly authorized employees 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 employees 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.

(c) The Utilities Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, repair, sampling and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(d) Any industrial user shall be required to retain for a minimum of three years any records of monitoring activities and results and shall make such records available for inspection and copying by the Ohio EPA, the U.S. EPA or the City. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the Utilities Director.

(Ord. A-1742. Passed 1-22-90; Ord. A-2142. Passed 11- -98; Ord. A-2405. Passed 11-8-04; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14.)

913.32 CHARGE FOR DOWNSPOUT AND AREA DRAIN DISCHARGE. (REPEALED)

(EDITOR'S NOTE: Section 913.32 was repealed by Ordinance A-2051, passed August 26, 1996.)

913.33 ENFORCEMENT.

The Utilities Director, or any agent designated by him or her from time to time, shall be responsible to enforce the provisions of this chapter as follows:

(a) If the Director, or his or her designated agent, reasonably believes that any user has violated any provision of this chapter, the Director shall serve, or cause to be served upon such user a written notice of violation identifying the violation. The user may appeal such notice of violation by written notice setting forth the reason(s) for the appeal and requesting a hearing as provided in this section, if desired, received by the Director not later than 15 days after service of the notice of violation upon the user.

(b) If the Director, or his or her designated agent, reasonably believes that any user is in violation of any provision of this chapter, the Director may serve, or cause to be served, a written administrative order, either personally or by certified mail, return receipt requested, upon such user. Such administrative order shall identify the violation, indicate the action necessary to be taken by the user to achieve compliance with respect to such violation, and may, in the discretion of the Director, impose an administrative fine in an amount not to exceed one thousand dollars (\$1,000) per day for each violation during the period of such violation(s). The user may appeal such administrative order by written notice, setting forth the reason(s) for the appeal and requesting a hearing as provided in this section, if desired, received by the Director not later than 15 days after service of the administrative order upon the user.

(c) Upon timely receipt of a written notice of appeal and request for a hearing as provided in subsections (a) and (b) hereof, or in the absence of such notice of appeal and request for a hearing, at the discretion of the Director when there is any failure of timely compliance with an administrative order, the Director, or his or her designated agent, shall conduct a hearing not less than three nor more than seven days following receipt by the user of written notice of the scheduled hearing date. The time for conducting such hearing may be extended by the Director, or his or her designated agent, in his or her discretion and for good cause, for a period not to exceed seven days following the originally scheduled hearing date. In the case of timely appeal and request for a hearing by the user, such hearing shall be for the purpose of considering the notice of violation or the administrative order from which the appeal is taken, including, but not limited to, whether or not a violation has occurred, the reasonableness of the compliance schedule proposed for correcting a violation, the reasonableness or appropriateness of an administrative fine, or extenuating circumstances. In the case of a hearing conducted at the discretion of the Director when there is any failure of timely compliance with an administrative order, such hearing shall be for the purpose to permit the user to show cause why the enforcement action should not be taken and/or the administrative fine should not be imposed. The hearing shall be conducted in such a manner and such evidence and information shall be considered as may be determined to be appropriate under the circumstances in the discretion of the Director or his or her designated agent. Upon the hearing, the Director, or his or her designated agent, may sustain, withdraw, or modify, in whole or in part, the notice of violation or the administrative order which is the subject of such hearing. The Director, or his or her designated agent, shall serve, or cause to be served, upon the user a copy of his or her written decision. The industrial user may appeal such decisions as otherwise provided by law.

(d) For purposes of this section, service of any notice of violation, administrative order or other notice provided herein, shall be proper when made on any agent, officer or authorized representative of a user.

(e) The City's Industrial Pretreatment Program Enforcement Response Guide (ERG), as approved by Ohio EPA, shall be used to determine appropriate enforcement action for users subject to the requirements of the Industrial Pretreatment Program.

(Ord. A-2051. Passed 8-26-96; Ord. A-2405. Passed 11-8-04; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-

913.34 RECORDS RETENTION.

(a) All industrial users subject to this rule shall retain records of all information resulting from any monitoring activities, regardless of whether such monitoring activities were required by the control mechanism, including documentation associated with BMPs. Such records shall be retained for a minimum of three years and shall include the following for all samples:

- (1) The date, exact place, method and time of sampling and the names of the person or persons taking the samples.
- (2) The dates that the analyses were performed.
- (3) The name and address of the laboratory that performed the analyses.
- (4) The analytical techniques or methods used.
- (5) The results of such analyses.

(b) In addition to the requirement of paragraph (a) of this rule, any industrial user subject to this rule shall retain all of the following for a minimum of three years:

- (1) Any reports submitted to the POTW pursuant to this chapter.
- (2) Any documentation of industrial user inspections.
- (3) Any record of communications pertaining to compliance with the pretreatment program.

(c) Industrial users subject to this rule shall retain all control mechanisms and pollution prevention alternatives (e.g. slug control plan, toxic organic management plan) for as long as these documents are effective and for at least three years after the date on which these documents become ineffective. These documents are considered ineffective if replaced with a revised document or if the document is no longer applicable to the industrial user.

(Ord. A-3022. Passed 10-26-20.)

913.35 SEVERABILITY.

If any provision, paragraph, word, section or chapter of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

(Ord. A-1517. Passed 3-11-85; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14.)

913.36 CONFLICT.

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this chapter are hereby repealed to the extent of such inconsistency or conflict.

(Ord. A-1517. Passed 3-11-85; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14.)

913.37 CHARGES AND FEES.

(a) In order to recover at least part of the administrative costs for reviewing the data disclosure forms, collecting samples, monitoring the program and to pay the costs of tests the City Manager shall establish an original data disclosure fee, a quarterly monitoring fee, a sample collection fee and a procedure to have the industrial user pay the cost of all necessary laboratory tests.

(b) Such charges shall be based on the cost of labor, material, equipment and administrative services performed by the City in carrying out its functions under this chapter.

(Ord. A-1517. Passed 3-11-85; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14.)

913.99 PENALTY.

(a) Commencement of Action. The City may commence an action for appropriate legal and/or equitable relief in the appropriate courts with respect to the conduct of a discharger contrary to the provisions of this chapter.

(b) Injunctive Relief. Whenever an industrial user has violated or continues to violate any of the provisions of this chapter, its wastewater discharge permit or any order of the City or a court of competent jurisdiction, the City 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 user.

(c) Civil Penalties. Any discharger who is found to have violated any of the provisions of this chapter, its wastewater discharge permit, or any order of the City or a court of competent jurisdiction, shall be subject to the imposition of a civil penalty of up to one thousand dollars (\$1,000) per violation. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. In addition to the penalties provided herein, the City may recover reasonable attorney's fees, court costs, court reporter's fees, additional operational and management costs directly related to the offense, and other expenses of litigation by appropriate suit at law against the discharger.

(d) Criminal Penalties. Whoever violates any of the provisions of this chapter, a wastewater discharge permit or any order of the City or a court of competent jurisdiction, or allows a violation to continue after becoming aware of such violation, is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(e) Falsifying Information; Tampering. Whoever knowingly makes any false statement, representation or certification in any application, record, report, plan or document filed or required to be maintained pursuant to this chapter, a wastewater discharge permit or any order of the City or a court of competent jurisdiction, or falsifies, tampers with or knowingly renders inaccurate any monitoring device or method, is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(Ord. A-2051. Passed 8-26-96; Ord. A-2396. Passed 8-23-04; Ord. A-2743. Passed 12-10-12; Ord. A-2773. Passed 11-11-13; Ord. A-2788. Passed 6-23-14.)

CHAPTER 914

Residential Sewers

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914.01 DEFINITIONS.

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

- (a) "Act" means the Clean Water Act (33 U.S.C. 1251 et seq.), as amended.
- (b) "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.
- (c) "Building sewer" means the extension from the building drain ending at either the City's lateral in the right-of-way or the public sewer or other place of disposal.
- (d) "CCTV" means closed circuit television
- (e) "City" means the City of Sidney, Ohio.
- (f) "Clean Out" means an access point to inspect and perform maintenance on a portion of the building drain, building sewer and lateral.
- (g) "Clean Water" may consist of rain water, ground water and any other water that is not sewage and is suitable for discharge directly to the ground or storm sewer.
- (h) "Defects" as related to this chapter shall include, but is not limited to, offset joints, separated joints, roots, cracks, collapses, or any other defect that may allow clean water to enter the building drain/sewer or prevent a CCTV inspection in accordance with the City's standards
- (i) "Director" means the Utilities Director of the City or any future title given to this position, or his or her authorized deputy, agent or representative.
- (j) "EPA" means the Environmental Protection Agency.
- (k) "Infiltration" means the introduction of clean water into a sewer intended to convey sewage through defects in the building drain, building sewer, lateral, public sewer and/or any other appurtenance to the POTW.
 - (1) "Inflow" means any direct connection, such as but not limited to downspouts, sump pumps, footer drains or any other connection that conveys clean water into any part of the sanitary sewer either directly or indirectly.
- (m) "I&I" means, in combination or individually, inflow and infiltration and is referenced to indicate clean water intrusions into the sanitary sewer.
- (n) "Lateral" means the City's portion of the sewer serving a property extending from the main sewer up to and including the clean out or other approved structure located within the right-of-way. Laterals are city owned and therefore subject to Chapter 913 "City Owned and Non-Residential Sewers".
- (o) "Non-Residential" means a property served by a sewer that does not meet the definition of "Residential".
- (p) "NPDES" means the National Pollutant Discharge Elimination System permit program as administered by the U.S. EPA or State.
- (q) "O&M" mean operation and maintenance.
- (r) "Person" means any individual, firm, company, association, society, corporation or group.
- (s) "POTW", denoting publicly owned treatment works, means any sewage treatment works and the sewers and conveyances appurtenances discharging thereto, owned and operated by the City.
- (t) "Residential" means a property limited to single-family, duplex, or triplex residential structure that discharges only domestic waste. All others are considered non-residential.
- (u) "Sanitary sewer" means a sewer which conveys sewage and to which storm, surface and ground water are not intentionally admitted.
- (v) "Sanitary Sewer Overflow (SSO)" means the unintentional discharge of sewage from the sanitary sewer system.
- (w) "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.
- (x) "Sewage treatment plant" means all facilities for pumping, treating and disposing of sewage. Also used in reference to the wastewater treatment plant.
- (y) "Sewage works" means all facilities for collecting, pumping, treating and disposing of sewage.
- (z) "Shall" is mandatory; "may" is permissive.
- (aa) "State" means the State of Ohio.
- (bb) "Storm sewer" means a sewer which conveys storm and surface water and drainage.

(cc) "Wastewater" means industrial waste, or sewage or any other waste including that which may be combined with any ground water, surface water or storm water, that may be discharged to the POTW.

(dd) "Water in Basement (WIB)" means a backup of sewage from a sanitary sewer into a building. This is also referred to as a SSO.

(ee) "WWTP" means the City's wastewater treatment plant.

(Ord. A-2743. Passed 12-10-12; Ord. A-2789. Passed 6-23-14.)

914.02 PERMIT REQUIRED.

A sewer permit shall be required for the installation, modification, repair or replacement of a building drain and/or building sewer.

(a) Maintenance activities such as but not limited to cleaning or clearing of blockages do not require a permit.

(Ord. A-2743. Passed 12-10-12; Ord. A-2789. Passed 6-23-14.)

914.03 BUILDING DRAIN/SEWER DEFECTS PROHIBITED.

(a) Defects of building drains/sewer are prohibited and upon discovery of such shall be ordered by the Director to be abated. Defects shall be abated no later than 24 months after receipt of order.

(1) Defects include but are not limited to:

- A. Mineral deposits that indicate leaks have occurred;
- B. Separated joints;
- C. Offset joints;
- D. Roots;
- E. Fractures;
- F. Collapsed pipe;
- G. Restrictions that prevent inspection;
- H. Missing or defective clean out caps;
- I. Any other defect that may cause clean water to enter the sanitary sewer;

J. Unidentified connections and/or connections of potential clean water sources such as, but not limited to, downspouts, sump pumps, foundation drains, driveway drains, and yard drains;

K. Observed active leaks.

(2) The Director may require abatement to occur in a period of less than 24 months when, in his or her judgment, delaying abatement puts the POTW at risk, public health may be adversely affected or there has been a previously abated clean water source reconnected.

(b) Any property owner may transfer ownership of a portion of an existing building sewer that was constructed prior to January 1, 2013 that resides in the right-of-way to the City provided that:

- (1) A City approved clean out in a location approved by the Director is provided;
- (2) The administrative fees are paid;
- (3) A signed building sewer/lateral transfer agreement is submitted to the City;

(4) The Director may waive the administrative fee and the requirement for the property owner to provide a clean out if transfer of the building sewer residing in the right-of-way desired by the City.

(Ord. A-2743. Passed 12-10-12; Ord. A-2789. Passed 6-23-14.)

914.04 PLUMBER REQUIRED.

All connections to the City's sewers shall be performed by a plumber who has given bond to the City as required by Section 913.03.

(a) A plumber is not required for an owner to make the connection of the building sewer to the City's lateral if so provided.

(Ord. A-2743. Passed 12-10-12; Ord. A-2789. Passed 6-23-14.)

914.05 DEPOSIT OR DISCHARGE ON PUBLIC OR PRIVATE PROPERTY, OR NATURAL OUTLET

PROHIBITED.

- (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, garbage or other objectionable waste.
- (b) No person shall discharge into 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) If the Director or his or her designee determines that there is an immediate danger to public health the Director has the authority, but is not required, to cause the necessary repairs to be performed on private property. All costs and expenses to make said repair or otherwise abate the health hazard shall then be assessed to the property owner.
- (d) The Director may cause repairs to be made and the cost thereof shall temporarily be paid by the City. This cost, together with a penalty as determined by Council, shall be assessed by Council. If not so paid, the Clerk of Council shall certify such assessments to the County Auditor to be collected as other taxes are collected.

(Ord. A-2743. Passed 12-10-12; Ord. A-2789. Passed 6-23-14.)

914.06 SEWER CONNECTIONS MANDATORY.

- (a) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, individual sewage disposal system or other facility intended or used for the disposal of sewage.
- (b) The owner of all buildings or properties for human occupancy, employment, recreation or other purposes situated within the City and abutting any street, alley or right-of-way in which there is located a public sewer of the City within 200 feet of the property line or within 400 feet of the foundation of the structure, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the public sewer in accordance with the provisions of this chapter and by the date prescribed by the Sidney-Shelby County Health Department. All on-site sewage disposal systems within the City in existence prior to March 24, 2003 shall have ten years from the date that sewer services became available to connect to the public sewer system unless the on-site system shall fail, as determined solely by the Health Department.
- (c) In no case shall an owner be authorized to improve, extend or expand an on-site disposal system without approval of the City; the owner shall, however, be permitted to clean and repair an existing system.
- (d) Whenever an on-site disposal system is abandoned, it shall be properly filled with a granular material acceptable to the Utilities Director.

(Ord. A-2743. Passed 12-10-12; Ord. A-2789. Passed 6-23-14.)

914.07 PRIVATE SEWAGE DISPOSAL SYSTEMS.

- (a) Except as provided, no person shall construct or maintain any privy, vault, septic tank, cesspool or other facility intended or used for private sewage disposal.
- (b) If a public sanitary sewer is not available within 200 feet of a premises, or within 400 feet of the foundation of a structure on the premises, the building sewer shall be connected to a private sewage disposal system authorized by the Health Department regulations. These regulations shall include: the type of on-lot disposal system, location, and layout.
- (c) All on-lot disposal systems shall be maintained per the regulations of the Health Department.
- (d) No holding tank waste shall be permitted to directly discharge into any natural outlet.
- (e) When public sewers become available to those being served by private sewage disposal systems under this section, property owners shall comply with Section 913.06(c) of the Codified Ordinances.
- (f) The abandonment of private sewage disposal systems shall be in compliance with the requirements of the Health Department.
- (g) The owner shall, at his or her expense, operate and maintain the private sewage disposal facilities in a sanitary manner at all times.

(Ord. A-2743. Passed 12-10-12; Ord. A-2789. Passed 6-23-14.)

914.08 APPEAL.

- (a) Any person so ordered to (1) connect to the sanitary sewer system; (2) ordered to extend water mains; (3) denied a variance under Section 920.04 (c) of the Codified Ordinances shall have the right to appeal such order or decision to the Utility Connection Appeal Board. The Board shall consist of the Director of Utilities and the Public Works Director or their designated representatives, and a representative of the Sidney-Shelby County Board of Health.

Appeals shall be filed in writing with the Board and shall be in accord with such rules and procedures as the Board may

establish. This three-person Board shall hear, review and rule on appeals, shall resolve facts concerning the availability of a sanitary sewer to a property; the extension of sewer mains and water main; and variances. In making these determinations, the Board shall specifically include the following criteria:

- (1) Environmental concerns;
- (2) Technical feasibility; and
- (3) Economic consequences.

There shall be provided a 30-day appeal period following receipt of the City notice or decision. The Board shall rule on such appeal within 30 days following the receipt of an appeal.

(b) Any person so ordered (1) to perform an inspection in accordance with this Chapter; (2) abate a defective building drain and/or building sewer (3) any other action authorized by this chapter of the Codified Ordinances shall have the right to appeal such order or decision to the Director. The Director shall hear, review and rule on appeals and shall resolve facts concerning the appeal.

Appeals shall be submitted in writing to the Director within 30 days of receipt of the City Order to be considered. Appeals submitted after 30 days shall not be considered.

The Director shall be authorized to provide an extension of time as deemed appropriate but not to exceed for the following activities:

- (1) 30 days for a building drain/sewer inspection to be performed.
- (2) 30 days for the installation of a City approved clean out.
- (3) 60 days for abatement of a defective building drain and/or building sewer.
- (4) 60 days for the disconnection of clean water sources.

The Director shall rule on such appeal within 30 days following the receipt of the appeal.

(Ord. A-2743. Passed 12-10-12; Ord. A-2789. Passed 6-23-14.)

914.09 OWNERS TO PROVIDE WATER AND SEWER CONNECTIONS; ASSESSMENTS.

(a) Whenever the paving or repairing of any street or public highway has been ordered by Council, the Department of Public Works shall, as it deems necessary, serve the owners of property abutting upon the street or highway, a notice directing such owners to extend the sanitary sewer lateral and water connections to the property line if not already provided or as it may designate within a time specified therein.

(b) At the expiration of the time specified, if connections are not made as herein provided, the Department shall cause these to be made and the cost thereof shall temporarily be paid by the City. This cost, together with a penalty as determined by Council, shall be assessed by Council on the property abutting on the street or highway to be paved, to be paid in cash to the Finance Director. If not so paid, the Clerk of Council shall certify such assessments to the County Auditor to be collected as other taxes are collected. Council may waive the provisions of this section and Section 913.07 if the property owner is willing to sign an agreement that he will not be permitted to connect to the sanitary sewer for a period of time as prescribed by Chapter 901.

(Ord. A-2743. Passed 12-10-12; Ord. A-2789. Passed 6-23-14.)

914.10 COST AND EXPENSE.

All costs and expense incidental to the inspection, installation and connection of the building drain, building sewer and lateral 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 activities associated with the inspection, maintenance, repair, installation and connection of the aforementioned.

(a) The lateral shall be owned and operated by the City only after it has been installed to the City's standards or as described in 914.03 Building Drain/Sewer Defects Prohibited.

(Ord. A-2743. Passed 12-10-12; Ord. A-2789. Passed 6-23-14.)

914.11 SEPARATE SEWER REQUIRED; USE OF EXISTING SEWERS.

(a) A separate and independent building sewer and lateral shall be provided for every building needed to be serviced by a sewer.

(1) The Director may permit multiple buildings to connect where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer provided that ownership of the building sewer remains with the owner of the lot. In no case shall a building sewer extend beyond a single lot to connect multiple buildings.

(b) Existing building sewers and laterals may be used in connection with new buildings only when they are found, on inspection to the City's standards at the time of connection, to meet all requirements of this chapter.

(Ord. A-2743. Passed 12-10-12; Ord. A-2789. Passed 6-23-14.)

914.12 CONSTRUCTION CONFORMANCE.

(a) The size, slope, alignment, materials of construction of a building sewer and lateral, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall conform to the requirements of the Building and Plumbing Codes, adopted in Chapter 1301 of Part Thirteen - the Building Code, or other applicable rules or regulations of the City and shall be approved by the Utilities Director.

(Ord. A-2743. Passed 12-10-12; Ord. A-2789. Passed 6-23-14.)

914.13 BACKWATER VALVES.

(a) No person shall tap any sewer of the City or make any connection therewith, unless there shall be installed in such connection, or in the building sewer, what is commonly known as a back-water valve, where the overflow rim of the lowest plumbing fixture(s) inside the structure is below rim elevation of the next upstream manhole in the public sewer.

(1) Backwater valves shall be installed so that access is provided to the working parts for service and repair to be performed at the owner's expense.

(2) The Health Department shall designate and approve the standard acceptable types of backwater valves that shall be used. The installation and inspection of backwater valves shall be conducted by the Health Department.

(b) Whenever the Utilities Director shall determine it necessary for the protection from sewer backups, owners of property, which are connected to the City sewer shall install back-water valves in the sewer connections to their property.

(c) No owner or occupant of property, having a sewer connection without a backwater valve, who is ordered to install the backwater valve therein shall fail to comply with such order.

(d) The Utilities Director shall promulgate rules covering the conditions where the backwater valves shall be installed.

(Ord. A-2743. Passed 12-10-12; Ord. A-2789. Passed 6-23-14.)

914.14 CLEAN WATER INTRUSION PROHIBITIONS.

(a) No person shall make a connection from their roof downspouts, exterior foundation drains, areaway drains or other similar collections of surface runoff or ground water to a drain which is connected directly or indirectly to a public sanitary sewer.

(b) Any existing structure which has such connections shall be notified in writing by the Utilities Director to disconnect such drains from the public sanitary sewer in accordance with 914.03 Building Drain/Sewer Defects Prohibited.

(c) All cost and expense incidental to the inspection, disconnection or repair mentioned in subsections (a) and (b) above shall be borne by the owner.

(Ord. A-2743. Passed 12-10-12; Ord. A-2789. Passed 6-23-14.)

914.15 CONNECTIONS; STANDARDS.

The connection of the building sewer into the public sewer or the existing lateral and the connection between the building sewer and the building drain shall conform to the requirements of the Building and Plumbing Code, adopted in Chapter 1301 of Part Thirteen - the Building Code, or other applicable rules and regulations of the City, or to the procedures set forth in appropriate specifications of the *WEF 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 Utilities Director before installation.

(Ord. A-2743. Passed 12-10-12; Ord. A-2789. Passed 6-23-14.)

914.16 INSPECTIONS.

(a) The applicant for a sewer permit shall notify the Utilities Director when the sewer is ready for inspection.

(b) The connection to the public sewer, lateral and the connection between the building drain and the building sewer, as well as the entire building sewer, shall remain uncovered until approved by the Director or his representative.

(c) When applicable, upon completion of the sewer connection, the property owner shall abandon the on-lot sewage disposal system in accordance with the Health Department procedures and shall be inspected and approved by the Director or his representative.

(1) The City shall forward the septic tank abandonment inspection form to the Health Department.

(d) The lateral from the main up to and including the clean out or other approved structure in the right-of-way shall be

turned over to the City and shall become part of the City's POTW upon passing a sewer inspection.

(e) Because I&I will, over time, increase as a system ages, whether it is a private or public sewer, and I&I is a major contributor to Sanitary Sewer Overflows (SSOs), back-ups into basements (WIBs) and bypasses at the WWTP, and all of these conditions are a violation of the City's NPDES permit issued by the Ohio EPA, the Director shall create and maintain standards for inspections of private sewers. Inspections shall be required when one or more of the following conditions are applicable:

(1) Flow monitoring in the sanitary sewer indemnifies that inflow and/or infiltration is occurring in the tributary sewerage service area.

(2) Publically available evidence indicates that a defect may be present and/or inflow and/or infiltration is entering a building drain and/or building sewer.

(3) The private sewer has not previously been inspected and has not previously passed an air test as described in the City's engineering standard.

(f) The Director shall establish standards for such inspections and shall require a CCTV inspection of any and all portions of the building drain and building sewer that cannot be visually inspected. All inspection reports and CCTV videos shall be submitted to the City for review and evaluation no later than twelve months after being so ordered.

(1) All inspection reports submitted to the City shall include a signed certification statement by the person that performed said inspection.

(2) Cost and expense of inspecting building drains and building sewers for defects and/or clear water connections shall be borne by the owner.

(Ord. A-2743. Passed 12-10-12; Ord. A-2789. Passed 6-23-14; Ord. A-2813. Passed 2-2-15.)

914.17 ACCESS TO SEWER SYSTEM.

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 Utilities 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 Utilities Director, shall be considered a violation and shall be subject to enforcement action, including fines and penalties allowed by this chapter.

(Ord. A-2743. Passed 12-10-12; Ord. A-2789. Passed 6-23-14.)

914.18 AUTHORITY OF DIRECTOR OF UTILITIES; COUNCIL.

(a) The Utilities Director is authorized and directed to adopt and enforce specifications and regulations in accordance with the provisions of Sections 914.01 through 914.99 for the purpose of reducing I&I, control of the installation of sewer connections and inspections. The Director shall maintain accurate and complete records of all permits issued and inspections made. The Utilities Director is empowered to require the abandonment and removal of connections to the public sewers which violate the provisions of this chapter.

(b) Council affirms that the sanitary sewers and the sanitary sewer system of the City are under the exclusive control of the Utilities Director as provided for in Ohio R.C. 729.50, and Council has the general power of such sanitary sewer system as provided for in Ohio R.C. 727.01.

(Ord. A-2743. Passed 12-10-12; Ord. A-2789. Passed 6-23-14.)

914.19 POWERS AND AUTHORITY OF INSPECTORS; RIGHT OF ENTRY.

(a) The Utilities Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter.

(b) While performing the necessary work on private properties referred to in subsection (a) hereof, the Utilities Director or duly authorized employees of the City shall observe all safety rules applicable and the property owner shall be held harmless for injury or death to the City employees and the City shall indemnify the property owner against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the property owner and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the property owner to maintain safe conditions.

(c) The Utilities Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, repair, sampling and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. A-2743. Passed 12-10-12; Ord. A-2789. Passed 6-23-14.)

914.20 ENFORCEMENT.

The Utilities Director, or any agent designated by him or her from time to time, shall be responsible to enforce the provisions of this chapter as follows:

- (a) If the Director, or his or her designated agent, reasonably believes that any person has violated any provision of this chapter, the Director shall serve, or cause to be served upon such property owner, a written notice of violation identifying the violation. The property owner may appeal such notice of violation by written notice setting forth the reason(s) for the appeal and requesting a hearing as provided in this section, if desired, received by the Director not later than 30 days after service of the notice of violation upon the industrial user.
- (b) If the Director, or his or her designated agent, reasonably believes that any person is in violation of any provision of this chapter, the Director may serve, or cause to be served, a written administrative order, either personally or by certified mail, return receipt requested. Such administrative order shall identify the violation, indicate the action necessary to be taken to achieve compliance with respect to such violation, and may, in the discretion of the Director, impose an administrative fine in an amount not to exceed twenty-five dollars (\$25.00) per day for each violation during the period of such violation(s). An appeal of the administrative order by written notice, setting forth the reason(s) for the appeal and requesting a hearing as provided in this section, if desired, received by the Director not later than 30 days after service of the administrative order.
- (c) The Director shall cause to be installed a clean out approved by the City or by any other means appropriate and terminate sanitary sewer service for any property found to be in violation of this chapter for more than 30 days.

- (1) The City shall post notice of the termination of service on the property.
- (2) The Sidney/Shelby County Health Department shall be notified of the termination of service at the property.
- (3) Service shall be restored when the violations have been abated or the Director has authorized a signed administrative order that contains dates to achieve compliance.

(Ord. A-2743. Passed 12-10-12; Ord. A-2789. Passed 6-23-14.)

914.21 SEVERABILITY.

If any provision, paragraph, word, section or part of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

(Ord. A-2743. Passed 12-10-12; Ord. A-2789. Passed 6-23-14.)

914.22 CONFLICT.

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this chapter are hereby repealed to the extent of such inconsistency or conflict.

(Ord. A-2743. Passed 12-10-12; Ord. A-2789. Passed 6-23-14.)

914.23 CHARGES AND FEES.

To recover, in whole or in part of, the administrative costs the City Manager shall establish an Administrative Fee for property owners transferring a portion of the building sewer in the right-of-way, thereafter called the lateral, to the City.

- (a) Such charges shall be based on the cost of labor, material, equipment and administrative services performed by the City in carrying out its functions under this chapter.
- (b) The Director shall have the authority to waive and or reduce fees in accordance with this Chapter.

(Ord. A-2743. Passed 12-10-12; Ord. A-2789. Passed 6-23-14.)

914.99 PENALTY.

- (a) Commencement of Action. The City may commence an action for appropriate legal and/or equitable relief in the appropriate courts with respect to the conduct of a discharger contrary to the provisions of this chapter.
- (b) Injunctive Relief. Whenever a person has violated or continues to violate any of the provisions of this chapter or any order of the City or a court of competent jurisdiction, the City 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 industrial user.
- (c) Civil Penalties. Any discharger who is found to have violated any of the provisions of this chapter, or any order of the City or a court of competent jurisdiction, shall be subject to the imposition of a civil penalty of up to twenty five dollars (\$25.00) per violation. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. In addition to the penalties provided herein, the City may recover reasonable attorney's fees, court costs, court reporter's fees, and additional operational and management costs directly related to the offense, and other expenses of litigation by appropriate suit at law against the discharger.

(d) Termination of Service. Whoever violates any provision of this chapter and has failed to abate a violation for more than 30 days shall have their sanitary sewer service terminated. The property shall then be referred to the Sidney/Shelby County Health Department. The City may recover costs directly associated with this action.

(e) Criminal Penalties. Whoever violates any of the provisions of this chapter, or any order of the City or a court of competent jurisdiction, or allows a violation to continue after becoming aware of such violation, is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(f) Falsifying Information: Tampering. Whoever knowingly makes any false statement, representation or certification in any application, record, report, plan or document filed or required to be maintained pursuant to this chapter or any order of the City or a court of competent jurisdiction, or falsifies, tampers with or knowingly renders inaccurate any monitoring device or method, is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(Ord. A-2743. Passed 12-10-12; Ord. A-2789. Passed 6-23-14.)