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CHAPTER 1

GENERAL PROVISION

This Ordinance establishes uniform regulations for users of the sewage works and enables the City of Newark to protect the public health in conformity with all applicable laws.

The objectives of this Ordinance are:

1. To prevent the introduction of pollutants into the sewage works which will interfere with the operation of the works or contaminate the resulting municipal sludges;
2. To prevent the introduction of pollutants into the sewage works which do not receive adequate treatment or will otherwise be incompatible with the works and which will pass through the works into receiving waters or atmosphere;
3. To improve the opportunity to recycle and reclaim wastewater and sludge from the works;
4. To identify the minimum standards for construction and maintenance of building sewer connections; and,
5. To establish provisions to levy and collect sewer service charges and rentals for premises served by the sewage works.

Discharges into the sewage works shall be regulated by enforcing the administrative and penalty provisions contained in this Ordinance.

CHAPTER 2

DEFINITIONS

2.1 Unless the context specifically indicates otherwise, the meaning of words and phrases in these Regulations shall be as follows:

2.1.1 "Administrative Charge" - shall mean the charge by the City to recipients of waste treatment services to offset the administrative costs of wastewater collection and treatment system.

2.1.2 "Biochemical Oxygen Demand" (BOD) - shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter (mg/L), as determined by Standard Methods.

CBOD includes the addition of a nitrification inhibitor at the start of the test. This will eliminate additional oxygen demand caused by nitrification (Nitrogenous BOD). This portion of BOD is not an indication of organic strength of the wastewater.

2.1.3 "Building Drain" - shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer, beginning three (3) feet outside the building wall.

2.1.3.1 "Building drain-combined" - A building drain that conveys combined sewer.

2.1.3.2 "Building drain-sanitary" - A building drain which conveys sanitary sewage, with or without industrial wastes.

2.1.3.3 "Building drain-storm" - A building drain which conveys storm water or other drainage, but no sewage.

2.1.4 "Building Sewer" - shall mean the extension from the building drain to the public sewer or other place of disposal.

2.1.4.1 "Building sewer-combined" - A building sewer which conveys combined sewage.

2.1.4.2 "Building sewer-sanitary" - A building sewer which conveys sanitary sewage, with or without industrial wastes.

- 2.1.4.3 "Building sewer-storm" - A building sewer which conveys storm water or other drainage, but no sewage.
- 2.1.5 "Bypass" - shall mean the intentional diversion of waste streams from any portion of an Industrial User's treatment facility.
- 2.1.6 "Categorical Pretreatment Standards" - shall mean National Pretreatment Standards specifying quantities or concentrations of pollutant properties which may be discharged or introduced to the sewage works by specific industrial users.
- 2.1.7 "Chemical Oxygen Demand" (COD) shall mean the oxygen-consuming capacity of inorganic and organic matter under standard laboratory procedures, expressed in milligrams per liter (mg/L), as determined by Standard Methods.
- 2.1.8 "Commercial Class" - shall include all non-residential users not defined as industrial, governmental or institutional users.
- 2.1.9 "City" - shall mean the City of Newark, Ohio.
- 2.1.10 "City Engineer" - shall mean the City Engineer of Newark, Ohio.
- 2.1.11 "Clean wastewaters" (or "unpolluted wastewaters") - shall mean those liquid wastes which meet the criteria established by the OEPA for effluents discharged to watercourses at Newark, Ohio
- 2.1.12 "Combined sewage" - shall mean a combination of sanitary sewage and surface or storm water, with or without industrial wastes.
- 2.1.13 "Combined sewer" - shall mean a sewer which is designed to carry a combination of sanitary sewage and surface or storm waters, with or without industrial wastes.
- 2.1.14 "Cooling water" - shall mean the water discharged from any system of condensation, air conditioning, cooling or refrigeration. It shall be free from odor and oil and shall contain no polluting substances.
- 2.1.15 "Debt Service Charge". The charge by the City to recipients of waste treatment service to offset the costs of retirement of bonds or notes used to finance portions of sewage works.
- 2.1.16 "Director" - shall mean the Director of Public Service of Newark, Ohio.

- 2.1.17 "Division of Water and Wastewater" (or "Division") - shall mean the Division established by the City of Newark for the purpose of managing and operating the water works and sewage works of the City.
- 2.1.18 "Federal Act" - shall mean the Federal Water Pollution Control Act Amendments of 1972, as amended by the Clean Water Act of 1977, (PL 95-217) 33 U.S.C. 1251 et seq.; as well as any guidelines, limitations and standards promulgated by the U.S. Environmental Protection Agency pursuant to the Act.
- 2.1.19 "Fats, Oils & Greases" (or "FOG") - means any and all of a variety of N-Hexane extractable substances as determined by extraction as in USEPA Method 1664 A: N-Hexane Extractable Material (HEM) and Silica Gel Treated N-Hexane Extractable Material (SGT-HEM) by Extraction and Gravimetry (Oil and Grease and Total Petroleum Hydrocarbons).
- 2.1.20 "Hydrocarbon Fats, Oils & Greases" - means those SGT-HEM substances as detected and quantified by USEPA Method 1664 A: N-Hexane Extractable Material (HEM) and Silica Gel Treated N-Hexane Extractable Material (SGT-HEM) by Extraction and Gravimetry (Oil and Grease and Total Petroleum Hydrocarbons).
- 2.1.21 "Garbage" shall mean the solid wastes from domestic and commercial preparation, cooking, and dispensing of food, or from the handling, storage and sale of produce.
- 2.1.22 "Governmental Class" - shall mean all non-residential users having connections to the sewage works which are owned by municipalities, counties, the State of Ohio or the Federal Government.
- 2.1.23 "Holding tank waste" - shall mean any waste from holding tanks including vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.
- 2.1.24 "Industrial user" ("IU" or "Industrial discharger") - shall mean any non-residential user who discharges an effluent into the sewage works and who is identified in the Standard Industrial Classification (SIC) Manual, 1987 as amended and supplemented, under the following divisions:
- a) Division A: Agriculture, Forestry and Fishing
 - b) Division B: Mining
 - c) Division D: Manufacturing
 - d) Division E: Transportation, Communications, Electric, Gas and Sanitary Services

e) Division I: Services

A user in these divisions may be excluded from the Industrial User Class if it is determined that the user will introduce primarily segregated domestic wastes, or wastes from sanitary conveniences.

- 2.1.25 "Industrial wastes" - shall mean the solid, liquid or gaseous waste resulting from any industrial, manufacturing, trade, or business process; or from the development, recovery or processing of natural resources, as distinct from sanitary sewage.
- 2.1.26 "Institutional Class" - shall mean all non-residential users having connections to the sewage works which are owned by private schools, colleges, churches and church related facilities, hospitals, and nursing homes.
- 2.1.27 "Interference" - shall mean the inhibition of the sewage works, treatment processes or operations contributing to a violation of any requirement of the City's NPDES permit.
- 2.1.28 "mg/L" - shall mean milligrams per liter.
- 2.1.29 "Natural outlet" - shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
- 2.1.30 "New Source" - shall mean 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 Standard 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:
- a) Construction is carried out at a site at which no other source is located;
 - b) The construction totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or,
 - c) The production or wastewater generating processes of the constructed facility are substantially independent of an existing source at the same site. Any construction at the site of an existing facility that does not meet the above criteria would not result in a new source.
- 2.1.31 "Normal domestic sewage" - shall mean sewage having an average daily suspended solids concentration of not more than 250 mg/L, an average daily CBOD of not more than 200 mg/L, and an average daily Ammonia

concentration of not more than 15 mg/L or an average daily TKN concentration of not more than 30 mg/L.

- 2.1.32 "NPDES Permit" - shall mean the National Pollutant Discharge Elimination System permit program whether administered by the United States Environmental Protection Agency (USEPA) or the State of Ohio Environmental Protection Agency (OEPA).
- 2.1.33 "OEPA" - shall mean the Ohio Environmental Protection Agency.
- 2.1.34 "Operation and Maintenance" - shall mean the procedures associated with the daily operation and required maintenance of public sewers and wastewater treatment plants.
- 2.1.34.1 "Operation, Maintenance and Replacement" (OM&R) - where Replacement, as specifically required by 40 CFR 35.2140, shall mean the procedures for obtaining and installing equipment, accessories or appurtenances during the useful life of the treatment works necessary to maintain the capacity and performance for which they were designed and constructed.
- 2.1.35 "Outside user charge" - shall mean the debt service charge for waste treatment services for users outside the corporate limits of the City.
- 2.1.36 "Pass through" - shall mean a discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation.
- 2.1.37 "Person" - shall mean any individual, firm, company, association, society, corporation or group. For a corporation, a person shall be a company officer directly in charge of wastewater discharges. The second sentence of this definition shall not be construed to preclude organizational liability under the Penalties and Remedies section of this Annex A.
- 2.1.38 "pH" - shall mean the negative (10) concentration logarithm (base 10) of the reciprocal of the weight of hydrogen ions in grams per liter of solution. (Low values indicate the presence of acids or acid forming salts. High values indicate the presence of alkaline material. A pH of 7.0 is considered neutral.)
- 2.1.39 "P.O.T.W." - shall mean the Public Owned Treatment Works.

- 2.1.40 "Premises" - shall mean any parcel of real estate or portion of real estate, including any improvements, determined by the Director to be a single user for purposes of receiving, using and paying for services.
- 2.1.41 "Pretreatment" - shall mean reduction in 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 pollutants to the sewage works.
- 2.1.42 "Private sewer" - shall mean a sewer which is not owned by the public authority, and in which all owners of abutting properties do not have equal rights.
- 2.1.43 "Properly shredded garbage" - shall mean the wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers.
- 2.1.4 "Public authority" - shall mean any governmental agency having jurisdiction by law.
- 2.1.45 "Public sewer" - shall mean a sewer which is owned and controlled by the public authority.
- 2.1.46 "Replacement" - shall mean replacement of equipment in wastewater treatment plants required due to normal wear and tear caused by the operation of these facilities and where maintenance is no longer a cost-effective procedure.
- 2.1.47 "Residential Class" - shall mean users from all single or multiple unit residences which discharge sanitary sewage only.
- 2.1.48 "Sanitary sewage" - shall mean water-carried wastes from residences, business buildings, institutions, commercial establishments, industrial establishments, or manufacturing establishments, contributed by reason of human occupancy.
- 2.1.49 "Sanitary sewer" - shall mean a sewer which carries sanitary sewage or industrial wastes. "Sanitary sewer" also means industrial wastes and to which storm, surface or ground waters are not intentionally admitted.
- 2.1.50 "Sewage" - shall mean wastewater after it has been used and discharged into a sewer.

- 2.1.51 "Sewage works" - shall mean all facilities for collecting, pumping, treating and disposing of sanitary sewage or industrial wastes including the treatment processes or operations associated with collecting, pumping, treating or disposing of sanitary sewage or industrial wastes.
- 2.1.52 "Sewer" - shall mean any pipe, conduit, ditch or other device used to collect and transport sewage or storm water.
- 2.1.53 "Sewer Service Charges" - shall mean the combination of the administrative charge, user charge, debt service charge, strength surcharge (if applicable) and industrial waste surveillance charge (if applicable).
- 2.1.54 "Sewer Rental Fund" - shall mean an account into which the City deposits collections from sewer service charges.
- 2.1.55 "Shall" is mandatory: "May" is permissive.
- 2.1.56 "Significant Industrial User" - shall mean all industrial users subject to categorical pretreatment standards; and any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW; contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or has a reasonable potential to adversely affect the POTW's operation or for violating any pretreatment standard or requirement. The Director may at any time, by self-initiative or in response to a petition received from an industrial user, determine that a noncategorical industrial user is not a significant industrial user if the industrial user has no reasonable potential to adversely affect the POTW's operation or for violating any pretreatment standard or requirement.
- 2.1.57 "Slugload" - shall mean any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.
- 2.1.58 "Standard Industrial Classification" (or "SIC") shall mean the classification of users based on the 1987 *Standard Industrial Classification Manual*, as amended and supplemented, Office of Manpower and Budget of the United States of America.
- 2.1.59 "Standard Methods" - shall mean the laboratory procedures specified in the latest edition of *Standard Methods for the Examination of Water and Wastewater* prepared and published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation.

- 2.1.60 "Storm sewer" - shall mean a sewer which carries storm and surface waters, but which excludes sanitary sewage and industrial wastes, other than unpolluted cooling water.
- 2.1.61 "Strength surcharge" - shall mean the charge by the City to offset the increased costs of treating
- 2.1.62 "Superintendent" - shall mean the Utilities Superintendent, Department of Public Service, Division of Water and Wastewater of Newark, Ohio.
- 2.1.63 "Surveillance charge" - shall mean the charge by the City to industrial users to offset the cost of monitoring and analyzing industrial point source discharges.
- 2.1.64 "Suspended solids" - shall mean the total suspended matter that floats on the surface of, or is suspended in water, wastewater, sewage or other liquids, and which is removable by laboratory filtering, expressed in milligrams per liter (mg/L), as determined by Standard Methods.
- 2.1.65 "Total Kjeldahl Nitrogen (TKN)" - The sum of the concentration of organic nitrogen plus ammonia nitrogen.
- 2.1.66 "Toxic pollutant" - shall mean any pollutant designated by Federal Regulations pursuant to Section 307 of the Federal Act.
- 2.1.67 "USEPA" - shall mean the United States Environmental Protection Agency.
- 2.1.68 "User" - shall mean any person that discharges, causes, or permits the discharge of wastewater into a public sewer.
- 2.1.69 "User charge" - shall mean the charge by the City to recipients of the waste treatment sewers to offset the cost of operation, maintenance and replacement of City sewage works.
- 2.1.70 "Wastes" - shall mean sewage and all other substances (liquid, solid, gaseous or radioactive) associated with human habitation or of human or animal origin, or from any producing, manufacturing or processing operation of any nature, including substances placed within containers of any nature prior to, and for purposes of disposal.
- 2.1.71 "Wastewater" - shall mean industrial waste, sanitary 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 sewage works.

- 2.1.72 "Wastewater Treatment Plant" - shall mean any arrangement of devices and structures used for treating sewage.
- 2.1.73 "Watercourse" (or "Waterway") - shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- 2.1.74 "Water works" - shall mean all facilities for intake supply, treatment and distribution of potable water.

CHAPTER 3

SEWER USE REGULATIONS

Section 1: Unsanitary Deposits

No person shall place, deposit, or permit to be deposited in an unsanitary manner any human or animal excrement, garbage or other objectionable waste upon public or private property within the City, or in any area under the jurisdiction of the City.

Section 2: Unlawful Discharges to Natural Outlets

No person shall discharge or cause to be discharged or permit to be discharged, to any natural outlet under City jurisdiction, any sanitary sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided according to the provisions of this Chapter. All discharges to natural outlets shall be subject to regulation by National Pollutant Discharge Elimination System permits, this Ordinance, orders issued by the Director, or orders issued by the USEPA or OEPA.

Section 3: Installation of Toilet Facilities

The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the City, and abutting on any street, alley or right-of-way in which there is or may be located a public sanitary sewer, shall, at his expense, install suitable toilet facilities and connect these facilities directly with the public sewer according to the provisions of Section 7 of this Chapter.

Section 4: Private Sewage Disposal Systems

- A. Except as provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for private sewage disposal.
- B. Where a public sanitary sewer is not available within 200 feet of the premises, the building sewer shall be connected to a private sewage disposal system according to the following provisions:
 - (1) The type, capabilities, location and layout of a private sewage disposal system shall comply with all requirements of the local health authority

and all recommendations of the OEPA. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 15,000 square feet in cases where an approved public water supply is available, and 31,500 square feet in cases where the water supply must be obtained from a well on the same lot. No holding tank waste shall be permitted to discharge into any natural outlet.

- (2) No person shall directly or indirectly discharge holding tank wastes into a public sewer unless a permit is secured from the Director. Unless allowed by the terms and conditions of the permit, a separate permit shall be secured for each separate discharge. This permit shall specify the location of the discharge, the time of day the discharge is to occur, the volume of the discharge and its constituents. If a permit is granted for discharge of wastes into a public sewer, the user shall pay the applicable user charges and fees and shall meet any other conditions required by the Director.
- (3) Where it is necessary to install a private sewage disposal system to serve a property and a public sewer becomes available to that property, the private sewage disposal system may be utilized providing no extraneous maintenance or proven surface or subsurface pollution occurs. Should extraneous maintenance such as pumping or leach field expansion become necessary, direct connection shall be made to the public sewer. Any septic tanks, cesspools, or similar private sewage disposal facilities shall be abandoned and filled with suitable material.
- (4) The owner shall, at his expense, operate and maintain the private sewage disposal facilities in a sanitary manner at all times.

Section 5: Private Sewers

- A. All private sanitary and combined sewers in the city shall be regulated by the Division, but monitored and operated by their owners. The Division may maintain and operate any private sewer which meets Division standards, provided a proper easement is dedicated to the City and the dedication is accepted by Ordinance or Resolution by the City.
- B. All private sanitary and combined sewers shall continue to be owned by the private owners until the owner and Division mutually agree to transfer ownership to the City.

Section 6: Trucked and Hauled Wastes

- A. No person shall access the sewer system or POTW for any activity including discharge or hauled septic or industrial wastes except at locations and at times as designated by the 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 Director, or without the expressed permission of the Director, shall be considered a violation and shall be subject to enforcement action including fines and penalties allowed under this Chapter.
- B. Permits
- (1) A Trucked Waste Discharge Permit from the Director shall be required for each vehicle, which is to be used for delivery of waste materials to the City of Newark Wastewater Treatment Plant. A Trucked Waste Discharge Permit may be issued to an applicant who complies with the terms and conditions of this Chapter. The Director may deny an applicant a permit where the applicant has falsified or omitted required information, is delinquent in paying sewer use fees and charges or is a previous violator of waste disposal regulations.
 - (2) An application for a Trucked Waste Discharge Permit shall be submitted to the Director on an approved form and shall contain the following information:
 - (a) Vehicle owner's name, address and phone number;
 - (b) Vehicle operator's name, address and phone number (if not the same as owner);
 - (c) If the vehicle owner or operator is a corporation or partnership, the names, addresses and phone numbers of all corporate officers or partners;
 - (d) Motor vehicle serial number and valid Ohio vehicle license number;
 - (e) Make, model and year of vehicle and tank capacity;
 - (f) A listing of all other governmental licenses and permits issued to the vehicle or for use of the vehicle;
 - (g) Any other information as shall be required by the Director.
 - (3) An application fee shall be submitted with each application along with evidence of a five thousand (\$5,000.00) surety bond for each vehicle for which a Permit is requested. Application fee shall be submitted by check or money order made payable to "City of Newark."
 - (4) Any applicant denied a Trucked Waste Discharge Permit will be sent written notice of the reason for the denial within thirty (30) days after

submission of the application. Any applicant who is denied a Trucked Waste Discharge Permit may appeal to the Director in writing, within ten (10) days after receipt of the written notice. Failure on the part of an applicant to file a written appeal within the allotted ten (10) day period shall be deemed as acceptance of the denial of the license on the part of the applicant, and they shall not be eligible for further administrative appeal.

- (5) A Trucked Waste Discharge Permit shall be valid for two (2) years from its date of issuance, unless otherwise suspended or revoked.
- (6) Trucked Waste Discharge Permits are not transferable to other vehicles, operation or owners.
- (7) Permit Reissuance: The holder of a Trucked Waste Discharge Permit shall apply for Permit reissuance by submitting a completed Permit application on a form approved by the Director, a minimum of sixty (60) days prior to the expiration of the hauler's existing Permit.

C. Trucked Waste Operator's License

- (1) Any individual wishing to operate any vehicle which is permitted to discharge trucked wastes into the City of Newark Wastewater Treatment Plant shall obtain a Trucked Waste Operator's License from the Director. No individual shall discharge, or assist in discharging, any trucked waste to the City of Newark Wastewater Treatment Plant without having a valid Trucked Waste Operator's License. A Trucked Waste Operator's License may be issued to an applicant who complies with the terms and conditions of this Chapter. The Director may deny an applicant a license where the applicant has: falsified or omitted required information or is delinquent in paying sewer use fees and charge, or is a previous violator of waste disposal regulations.
- (2) All individuals requesting a Trucked Waste Operator's License shall submit an application to the Director on a approved form which can include the following information:
 - (a) Applicant name, home address and home phone number;
 - (b) Present employer (if other than applicant);
 - (c) Name and address of all employers for the previous five (5) years;
 - (d) A listing of all criminal convictions, including misdemeanors and Court of Record for same within the previous five (5) years;

- (e) Any and all civil and/or administrative actions taken against the applicant for violation of any waste disposal regulations in the last five (5) years;
 - (f) Any other information as shall be required by the Director.
- (3) A non-refundable application fee shall be submitted with each application. Application fee shall be submitted by check or money order made payable to "City of Newark".
- (4) Any applicant denied a Trucked Waste Operator's License shall be sent written notice of the reason for the denial within thirty (30) days after submission of the application. Any applicant who is denied a Trucked Waste Operator's License may appeal the denial to the Director in writing within ten (10) days after receipt of the written notice. Failure on the part of an applicant to file a written appeal within the allotted ten (10) day period shall be deemed as acceptance of the denial of the license on the part of the applicant, and they shall not be eligible for further administrative appeal.
- (5) Each Trucked Waste Operator's License shall be valid for two (2) years from its date of issuance, unless otherwise suspended or revoked. A licensee must reapply for a new license at least sixty (60) days prior to the expiration of their current license. Applications shall be made on a form approved by the Director.
- (6) Any individual changing employers during the term of their Trucked Waste Operator's License must notify the Director, in writing, of the change in employer within two (2) weeks after the change, but need not apply for a new license.

D. Revocation

Non-compliance with any part of this Section or subsequent regulations or orders as issued by the Director or other sections of this Chapter or sections of other applicable City Ordinances; shall subject the Licensee and/or Permit holder to revocation of the License and/or Permit to utilize the services of the City of Newark Wastewater Treatment Plant for the disposal of trucked wastes. The Permit and/or License holder shall be provided written notice of any revocation. The Permit and/or License holder may appeal the revocation to the Director in writing, within ten (10) days of receipt of the notice of revocation. Failure to appeal revocation within ten (10) days of notification of the revocation shall be deemed agreement upon the part of the Licensee or Permit holder to the revocation of that License or Permit. Reissuance of any license or permit, after revocation, shall be at the discretion of the Director,

and may be made subject to such conditions, as the Director deems appropriate.

E. Suspension

- (1) In lieu of revocation of any license or permit, the Director may, at his discretion, suspend any license or permit for non-compliance with any part of this Section, or pursuant regulations or orders, for a period not to exceed sixty (60) days. The Permit and/or License holder shall be provided with written notification of the suspension. The Permit and/or License holder may appeal the suspension to the Director in writing within ten (10) days of receipt of the notice of the suspension. Failure on the part of the License or Permit holder to appeal the suspension within ten (10) days of receipt of the notice of the suspension, shall be deemed agreement on the part of the License or Permit holder to the conditions of the suspension.
- (2) No person shall use any truck under a Permit suspension to discharge waste to the City of Newark Wastewater Treatment Plant during the period of the suspension, even if the truck is sold or leased to another party during the period of suspension.
- (3) No trucked waste operator shall operate any vehicle discharging waste to the City of Newark Wastewater Treatment Plant while under suspension, even if the trucked waste operator changes employer and/or applies for a new Trucked Waste Operator's License.

F. Regulations

The Director may establish such regulation as he deems necessary to control the discharge of trucked wastes to the City of Newark Wastewater Treatment Plant. The Director may restrict or prohibit the discharge of trucked waste to the City of Newark Wastewater Treatment Plant, which originates from sources outside the municipal jurisdiction of the City of Newark. These regulations may include, but are not limited to:

- (1) Provisions requiring the display of vehicle permit number and tank capacity in gallons;
- (2) Minimum equipment and maintenance standards for permitted vehicles;
- (3) Standards and procedures for use of the City's trucked waste discharge facilities;
- (4) Training requirements for license holders.

G. Restrictions and Prohibitions

The Director may restrict or prohibit discharge of any trucked waste to the City of Newark Wastewater Treatment Plant at his discretion. No trucked waste may be discharged to the City of Newark Wastewater Treatment Plant without the express, written permission of the Director or his designee on a manifest form as approved by the Director. The discharge of trucked wastes shall be permitted only at locations, and during such hours, as shall be established by the Director. Discharge of trucked waste to the sewer system at any other location, or at any other time, is a violation of this Chapter. No trucked waste shall be discharged to the sewer system, which has any of the following components:

- (1) Material not readily biodegradable or not known to be compatible with the treatment processes utilized in the POTW;
- (2) Material deleterious to treatment plant operations or plant operators such as oils and greases of a mineral origin, gasoline, toxic materials, flammables, solvents, paint materials, sand or other materials capable of causing physical damage to the POTW;
- (3) Materials which would cause unusual expense in handling and/or treatment, unless prior arrangements have been made at the discretion of the Director for payment of additional costs of services;
- (4) Any material regulated under a Federal Categorical pretreatment Standard or any sludges or wastes resulting from treatment of materials under Federal Categorical Pretreatment Standards;
- (5) Any materials which violate, or could violate, any prohibitive or restrictive provisions of the City of Newark Ordinances or which violates any Federal or State industrial discharge standards, regulations or laws;
- (6) No material other than those from Household Sources origin may be discharged to the City POTW as a trucked waste unless prior approval has been received by the hauler from the Director. Application for such approval, called a "Waste Evaluation Form" shall be made on a form approved by the Director.

H. Prohibited Activities

No trucked waste hauler shall access the sewer system or POTW for any activity including discharge or withdrawal of material, except at locations

and at times as designated by the Director. Any removal of manhole lids, or other access to the sewer system at times and/or places other than those designated by the Director, or without express permission of the Director, shall be considered a violation of the conditions of this Section, and subject the violator to revocation of his Trucked Waste Discharge Permit and/or Operator's License, and/or other enforcement activity as indicated in this Ordinance and other applicable laws.

I. Enforceability

Any and all conditions in any permit or license issued pursuant to this section are specifically and independently enforceable, regardless of whether they are expressly required by or set out in this Ordinance.

Section 7: Connections to Public Sewers

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenances without first obtaining a permit from the Director.
- B. The construction, modification of, or extension to any sanitary or combined sewer is prohibited, unless approved by the Director and the OEPA.
- C. Any connection to a sanitary or combined sewer within the jurisdiction of the Division shall be subject to all regulations, charges, rates, fees and assessments which are, or may be, established by the City.
 - (1) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly result from the installation of the building sewer. The owner of properties served by a sewer shall be responsible for the operation, cleaning, maintenance, repair and reconstruction of the building sewer from the building to the point of connection with the public sewer.
 - (2) A separate, independent building sewer shall be provided for each building; however, where one building stands at the rear of another or an interior lot and no private sewer is available or can be constructed as an addition 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 may be considered one building sewer.

- (3) Old building sewers may be used in connection with new buildings only when they meet all provisions of this Chapter.
- (4) The building sewer shall be cast iron soil pipe, ASTM Specification (A74-72) or equal; extra-strength vitrified clay sewer pipe, ASTM Specification (C700-74) or equal; or PM Polyvinyl Chloride Pipe, ASTM Specification (D3034-SDR35). Joints shall conform to ASTM (D3212) and installation to ASTM (D2321). Joints shall be tight and waterproof. Any part of the building sewer located within ten (10) feet of a water service pipe shall be constructed of the aforementioned material or other suitable material approved by the Director.

If installed in filled or unstable ground, the building sewer shall be cast iron soil pipe; however, nonmetallic material may be used if laid on a suitable concrete bed or cradle approved by the Director. At the owner's expense, all material shall be inspected and tested according to the requirements of the Director.

- (5) The size and slope of the building sewer shall be subject to the approval of the Director. Six-inch (6") diameter pipe or larger shall be used from the property line to the connection with the public sewer. Four-inch (4") diameter pipe may be used from the property line to the building. The slope of the six-inch pipe shall not be less than 1/8 inch per foot and the slope of the four-inch pipe not less than 1/4 inch per foot.
- (6) No building sewer shall be laid parallel to and within three (3) feet of any bearing wall that might be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment as far as possible. Changes in direction shall be made only with properly curved pipefittings; pipe bends shall not exceed 45 degrees.
- (7) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by the drain shall be lifted by approved artificial means and discharged to the building sewer.
- (8) All excavations required for the installation of the building sewer shall be open trench work unless otherwise approved by the Director. Pipe laying and backfill shall be performed according to ASTM Specifications (C12-77). No backfill shall occur until the work has been inspected.
- (9) Joints. All joints and connections shall be made gas-tight and watertight. In general, the joints shall meet the requirements of ASTM Designation C 425, Type III. The contract surfaces shall be smooth,

dimensionally correct, provide a seal meeting the infiltration (exfiltration) requirements and of a type which prevents possible damage to the joints in handling. No precast or poured joints containing asphalt shall be permitted. All joints and pipe shall first be approved by the Director before installation.

Connections. The connection between the building and public sewers shall be made at the Y-branch, provided the Y-branch is available at a suitable location. Where no properly located Y-branch is available, the owner shall, at his expense, make a saddle type connection by cutting a neat hole into the public sewer to receive the building sewer. The invert of the building sewer at the point of connection shall be at or above the spring line of the public sewer. The joint shall be smooth and neat, and the connection made secure and water-tight by encasement in concrete. Special fittings may be used for the connection only when approved by the Director.

- (10) The applicant for the building sewer permit shall notify the Director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made by the applicant, under the supervision of the Director or his representative.
- (11) All excavations for building sewer installations shall be adequately guarded with barricades and lights to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.
- (12) No person constructing a sanitary sewer, building or house connection shall leave the excavation open, unsealed or incomplete in any fashion which would permit storm, surface or subsurface water to enter the sewers.

Section 8: Control Manholes

All industrial users discharging industrial wastes to the sewage works and the owner of any property served by a building sewer discharging other than normal sewage shall install a suitable control manhole in the building sewer, together with any meters and appurtenances the Director may require, to permit observation, inspection, sampling and flow measurement of the combined wastes from its premises. When required, the manhole shall be accessible, safely located and constructed according to plans approved by the Director. The manhole shall be installed by the person, at his expense, and be maintained by him to be safe and accessible at all times.

Section 9: Special Interceptors

- A. Grease, oil and sand interceptors or traps shall be provided when, in the opinion of the Director, they are necessary to properly handle liquid wastes containing grease in excessive amounts, flammable wastes, or sand and other harmful ingredients. Interceptors or traps shall not be required for private living quarters or dwelling units. All interceptors or traps shall be of a type and capacity approved by the Director and shall be readily and easily accessible for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures, shall be of substantial construction, gas-tight, water-tight and shall be equipped with easily removable covers. Where installed, all grease, oil and sand interceptors or traps shall be maintained in efficient operation at all times by the person at his expense.
- B. The approval of special interceptors by the Director does not in any way guarantee their functioning in the manner described by the constructor or manufacturer; nor shall it relieve a person of the responsibility of enlarging or otherwise modifying the interceptors to accomplish the intended purpose.

Section 10: Illegal Use of Sewers

- A. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, unpolluted cooling water or unpolluted industrial wastewater to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged into sewers specifically designed and designated as storm sewers, or into a natural outlet approved by the Director.

No person shall discharge garbage grindings into a public sewer except properly shredded garbage generated in preparation of food normally consumed on the property. Garbage grinders shall not be used to grind plastic, paper products, inert materials or garden refuse.

Any such connections or discharges after the effective date of this Ordinance shall be considered illegal and shall be subject to immediate removal by the person at his expense.

- B. Subfoundation building drains connected to sanitary sewers before the effective date of this Ordinance shall be removed if the Director establishes that they are detrimental to the operation of the sewage works, and that their

removal is cost effective. These connections shall be prohibited after the effective date of this Ordinance.

- C. Should the owner of an illegally connected premises fail to remove the connection within 90 days, the Division shall remove the connection at the owner's expense.

Section 11: Clean Wastewaters

Clean wastewater from air conditioning, cooling, or condensing systems, or from swimming pools (if dechlorinated - typically less than 1ppm chlorine) shall be discharged to a storm sewer. Where a storm sewer is not available, clean wastewater shall be discharged to a combined sewer or to a natural outlet, only with approval of the Director and the OEPA. Where neither a storm sewer, combined sewer nor natural outlet is available, clean wastewater may be discharged to a sanitary sewer only with the written approval of the Director.

Section 12: Prohibited Discharges Generally

- A. Any water, wastes, or vapor containing heat in amounts which will accelerate the biodegradation of wastes, cause the formation of excessive amounts of hydrogen sulfide in the sewage works, or inhibit biological activity in the wastewater treatment plant. In no case shall heated discharges cause the temperature in the public sewer to exceed 65 degrees Celsius (150 degrees F), or the temperature of the influent at the treatment plant to exceed 40 degrees C (104 degrees F);
- B. No person shall discharge, or cause to be discharged, directly or indirectly, any substance which causes an interference or pass through of the POTW, or which disrupts or inhibits the POTW, its treatment processes, operations or its sludge processes, use or disposal. No person shall discharge, or cause to be discharged, directly or indirectly, any substance which constitutes a Slugload. No person shall discharge, or cause to be discharged, directly or indirectly, any of the following described substances into the sewer system: any solid or viscous substance capable of causing obstruction to the flow in the sewers, or other interference with the proper operation of the sewer system, for example, but not limited to: construction materials, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, wood, plastic, fur, wax and/or fat, oils and greases;

- C. Any water or wastes containing over 200 mg/L of Hydrocarbon FOG. “Hydrocarbon fats, oils and grease” means those substances as detected and quantified by the SGT-HEM portion of USEPA Method 1664.
- D. Any water or wastes containing petroleum oil, non-biodegradable cutting oil or products of mineral oil origin are prohibited if discharged in amounts that can pass through or cause interference. (Industrial cooling water which may be polluted with insoluble oils, grease or suspended solids shall be pretreated to remove the pollutants and the resultant wastewater shall be discharged according to the provisions in Section 11);
- E. Any water or wastes which will create a fire or explosion hazard including, but not limited to, gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas or any waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test method specified in 40 CFR 261.21;
- F. Any water or wastes containing more than 10 mg/L of the following gases; hydrogen sulfide, sulfur dioxide or nitrous oxide;
- G. Any garbage or waste that has not been properly shredded to a degree that all particles will be carried freely under normal flow conditions prevailing in the public sewer;
- H. Any water or wastes containing phenolic compounds in excess of 40.00 mg/L. These limits may be modified if the aggregate of contributions throughout the service area create treatment difficulties or produce a prohibitive effluent discharge to receiving waters;
- I. Any water or wastes, acid or alkaline in reaction, having corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the Division. Free acids or alkalies of such wastes must be neutralized at all times, within the permissible pH range, 6 to 12;
- J. Any water or wastes containing strong acid iron pickling wastes or concentrated plating solution whether neutralized or not;
- K. Any water or wastes which result in the presence of toxic or poisonous solids or liquids, gases, vapors, or fumes within the POTW in sufficient quantity, either singly or by interaction with other wastes that may cause acute worker health and safety problems, which pass through or cause an interference which inhibits or disrupts the sewage works; constitute a hazard to animals; create a public nuisance; prevent entry into the sewers for maintenance and repair; or cause the treatment plant effluent, residues, sludges or scums to be

unsuitable for reclamation and reuse, or cause a violation of any requirement of the POTW's NPDES permit;

- L. Any water or wastes containing suspended solids of such character and quantity that unusual provisions, attention or expense is required to handle these solids at the Wastewater Treatment Plant;
- M. Any slugload, as defined in Chapter 2, of any pollutant, including oxygen-demanding pollutants, released in a single extraordinary discharge episode of such volume or strength to cause interference in the sewage works;
- N. Any water or wastes containing more than 0.02 mg/L total identifiable chlorinated hydrocarbons;
- O. Any water or wastes which cause a detrimental environmental impact or cause the quality of the Wastewater Treatment Plant effluent to violate the NPDES permit limitations or applicable water quality standards.

Section 13: Limitations on Wastewater Strength

No person shall discharge wastewater containing in excess of:

Substance	General Limit**
Antimony	9.3
Arsenic	0.30
Barium	5.0
Cadmium	0.1
Chromium (T)	4.0
Chromium (Hex)	0.25
Copper	1.1
Cyanide (as CN)	0.44
Fluoride (as F)	5.0
Iron (dissolved)	15.0
Lead	0.5
Manganese	5.0
Mercury	0.003
Molybdenum	0.67
Nickel	3.1
Phenols	40.0
Selenium	0.1
Silver	0.1
Sulfide (as S)	10.0
Zinc	2.9

***all units in mg/L*

Wastewaters from individual establishments may be subject to volume and concentration controls by the Director. Discharge limitations promulgated by the Federal Act shall apply where they are more stringent than those specified in this Ordinance.

Section 14: Limitations on Radioactive Wastes

No person shall discharge, or cause to be discharged, wastewater containing any radioactive wastes or isotopes whose half-life or concentration exceeds limits established by applicable State or Federal regulations.

Section 15: Dilution

No person shall in any way increase the use of potable or process water, or mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to comply with the standards specified in this Ordinance.

Section 16: Review of Extraordinary Discharges

- A. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, develop color of undesirable intensity, form suspended solids in objectionable concentration, or create an other conditions deleterious to the sewage works, shall be subject to control or shall be debarred from the system by the Director.
- B. Concentrated dye wastes, spent tanning solution or other wastes which are highly colored, or wastes of unusual volume, concentration of solids, or composition; for example total suspended solids of inert nature, total dissolved solids or unusual BOD, shall be subject to special review by the Director for:
 - (1) Approval or rejection of admission to the public sewers;
 - (2) Modification at the point of origin to permit admission to the public sewers; or,
 - (3) Pretreatment by the person to permit admission to the public sewers.

Section 17: Accidental Discharges and Operating Upsets

- A. A person shall notify the Division immediately upon the occurrence of a slugload or accidental discharge of wastes prohibited by this Ordinance. The notification shall include the location of the discharge, date and time, type of waste, concentration and volume, and corrective actions. A person who discharges any prohibited liquid or solid waste into a public sewer or natural outlet shall be liable for any expense, loss or damage to the sewage works. In addition, he shall be liable for any fines imposed on the Division under State or Federal law as a result of this discharge and any penalty or remedy imposed under the penalties and remedies provision of this Annex A.

- B. Any person who experiences an upset in operations and is unintentionally and temporarily in a state of noncompliance with this Ordinance due to factors beyond his reasonable control shall inform the Division immediately after commencement of the operating upset. Where information is given orally, the person shall file a written follow-up report with the Division within five (5) days. The report shall:
 - (1) Describe the incident, its cause and its impact on the person's compliance status;
 - (2) Give the duration of non-compliance, including exact dates and times of non-compliance. If the noncompliance continues, the time of which compliance is reasonably expected to occur; and,
 - (3) All steps taken or to be taken to reduce, eliminate and prevent recurrence of the conditions of noncompliance.

- C. Signs shall be permanently posted in conspicuous places on the person's premises advising employees whom to call in the event of a slugload, accidental discharge or operating upset. Any employee who may cause or discover such a discharge shall be given instruction in emergency notification procedures.

Section 18: Pretreatment

- A. National Categorical Pretreatment Standards as promulgated by the USEPA pursuant to the Federal Act shall be met by all dischargers of the regulated industrial categories.

- B. Where the Wastewater Treatment Plant achieves substantial and consistent pollutant removal, revisions of the Categorical Pretreatment Standards shall be considered by the Director if applicable, upon the written request of a regulated person, according to the criteria and provisions of Section 403.7 of the General Pretreatment Regulations. In any case, the Director shall require that the person's discharge shall not cause the wastewater treatment plant effluent to violate applicable water quality standards and effluent limitations specified in the City's NPDES permit.
- C. The Director has the authority to issue orders to require compliance with any requirement of this Ordinance, including applicable Categorical Pretreatment Standards, other discharge limits and reporting requirements. Any violation of these orders shall be considered a violation of this Ordinance and shall subject the user to the penalty and remedies provisions contained herein. If the Director determines that an existing or proposed discharge could cause damage to, impose an unreasonable burden upon, or be inadequately treated by the sewage works, he shall require the person, at his expense to:
- (1) Reduce or modify the objectionable characteristics of the wastes to meet limits or conditions specified in this Ordinance prior to discharging these wastes to a public sewer;
 - (2) Control the quantities and rates of discharge of the wastes over a twenty-four (24) hour day and seven (7) day week; or,
 - (3) Dispose of the wastes and prevent them from entering the sewage works.
- D. Any person may install pretreatment facilities without an order from the Director. Plans, specifications, operating procedures, compliance schedules and any other pertinent information relating to pretreatment or control facilities shall be submitted to the Director for approval. No construction of facilities shall begin until written approval is obtained from the Director. Any subsequent changes in the pretreatment facilities or operating procedures shall be submitted to and be approved by the Director before the changes are implemented.
- E. All pretreatment facilities shall be maintained continuously in satisfactory and effective operation by the person at his expense, subject to periodic inspection by the Division. The person shall maintain operating records and shall submit to the Division a monthly summary report of the character of the influent and effluent showing the performance of the pretreatment facilities.

- F. Bypassing or diverting of wastewater from the pretreatment facility is prohibited unless:
- (1) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,
 - (3) The user submitted notices as required under this section.

If the user knows in advance of the need for a bypass, they shall submit prior notice, if possible at least ten (10) days before the date of the bypass.

The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above of this section.

The user may allow with notice, any bypass to occur which does not cause effluent limitations to be exceeded if that bypass is for essential maintenance to assure efficient operation.

The user shall submit notice of an unanticipated bypass as required in Section 17.

- G. Testing for pollutants will be conducted in accordance with applicable sections of 40 CFR Part 136, "Guidance for Establishing Test Procedures for Analysis of Pollutants".

Section 19: Industrial Waste Questionnaire

Every person discharging or proposing to discharge other than normal sewage either directly or indirectly into the sewage works shall comply with all provisions of this Ordinance; and shall also complete and file an industrial waste questionnaire within the time specified by the Director upon ratification and incorporation of this Ordinance into the City Ordinances. This questionnaire, provided by the Director, shall request the following information:

- A. Facility name, address, mailing address and SIC number;
- B. Wastewater constituents, characteristics and concentration, as determined by bona fide chemical and biological analyses acceptable to the Director;
- C. Time and duration of discharges;
- D. Average daily wastewater flow rate including method of determination;
- E. Facility site plans and floor plans detailing all sewer connections by size, control manholes or sampling access locations and pretreatment equipment;
- F. Description of facilities, manufacturing processes or service activities, on the premises;
- G. Nature and concentration of any discharge pollutants or substances prohibited or limited by this Ordinance;
- H. A statement detailing whether pretreatment or additional operation and maintenance procedures are required to comply with the provisions and limitations of this Ordinance. If such procedures are required to achieve compliance, a schedule for completion of pretreatment equipment or additional operation and maintenance procedures shall be submitted to the Director. The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment facilities required for the person to comply with the requirements of this ordinance including, but not limited to, dates relating to hiring an engineer, completing preliminary plans, executing contracts for major components, commencing construction, completing construction and all other acts necessary to achieve compliance with this ordinance. The Director shall not permit a time increment for any single step directed toward compliance to exceed nine (9) months. Any violation of this compliance schedule shall be considered a violation of this ordinance;

The person shall submit a progress report to the Director no later than fourteen (14) days after each scheduled milestone date and the final compliance date. This report shall include, at a minimum, a statement detailing whether the person has complied with the increment of progress represented by the milestone date, and, if not, the date on which he expects to comply with this increment of progress, the reason for delay and the steps being taken to return to the approved schedule. The Director shall not permit the time increment between progress reports to exceed nine (9) months;

- I. Products manufactured or services rendered by type, amount, process and rate of production; and,
- J. The type and amount of raw materials used.

The completed questionnaire shall be signed by the facility's Chief Executive Officer and sent to the Director. If the Director's evaluation requires additional information, he shall request the necessary information from the person and shall notify the person in writing when the questionnaire is acceptable.

Section 20: Discharger Reporting Requirements

A. Notification of Changed Discharge.

All Industrial Users shall promptly notify the Director in advance of any significant change in the volume or character of pollutant in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12 (P). Any change may be considered significant when the increase is greater than twenty percent (20%) on a sustained or permanent basis.

B. New Sources

New sources and sources that become Industrial Users subsequent to promulgation of an applicable categorical standard, shall be required to submit to the Director a report which contains the information listed in Section 19 at least ninety (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 information requested in Section 19 (2) (3) (4).

(1) Compliance Report. Within ninety (90) days following commencement of the introduction of wastewater into the sewage works by a new discharger, any discharges subject to this ordinance shall submit a report to the Director indicating the average discharge flow and the nature and concentration of all prohibited or regulated substances contained in his discharge. The report shall state whether applicable pretreatment standards are being met on a consistent basis, and if not, what measures are necessary to achieve compliance with these standards.

C. Categorical Pretreatment Standard - Baseline Report

Within 180 days after the effective date of a categorical pretreatment standard, or 180 days after the final administration decision made upon a category determination submission under Section 403.6(a)-(4), whichever is the latter, existing Industrial users subject to such categorical Pretreatment Standards and currently discharging to or scheduled to discharge to a POTW, shall be required to submit to the Director, a report which contains the information listed in Section 19. Where reports containing this information already have been submitted to the Director in compliance with the requirement of 40 CFR 128.140(b) (1977), the Industrial User will not be required to submit this information again.

D. Periodic Compliance Report

Any person subject to a Categorical Pretreatment Standard or any pretreatment provision of this Ordinance shall submit a semi-annual-report to the Director indicating the nature and concentration of prohibited or regulated substances in his discharge. This report shall include a record of all measured average and maximum flows during the reporting period, the results of discharge sampling and analyses and any other information required by the Director.

E. All analyses shall be performed by methods approved by the Director.

F. General Signing Requirement

(1) All reports required by this ordinance shall be signed. Where this ordinance fails to specify a specific individual as being responsible for signing the specified report, the reports shall be signed as hereinafter provided. All signed reports, whether the reports be signed under this general signing requirement or a specific signing requirement provided for elsewhere in this ordinance, shall be accompanied by the certification found below in subsection (4) titled "Certification".

(a) For a corporation - For the purpose of this section, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding twenty-five million (\$25,000,000) in second quarter 1980 dollars, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (b) For a partnership or sole proprietorship - By a general partner or the proprietor, respectively: or,
 - (c) For a municipality, state, federal, or other public agency - By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes:
 - (i) the chief executive officer of the agency, or
 - (ii) senior executive having responsibility for the overall operations of a principal geographic unit of the agency (e.g., regional administrators of EPA).
- (2) All reports required by this ordinance shall be signed by a person described in paragraph (1) hereof, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- (a) The authorization is made in writing by a person described in paragraph (1) of this section;
 - (b) The authorization specifies either an individual or a position having responsibility for their overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position) and;
 - (c) The written authorization is submitted to the Director.
- (3) Changes to authorization - If an authorization under paragraph (2) of this section is no longer accurate because of a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (2) of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by the authorized representative.
- (4) Certification - Any person signing a document under paragraph (1) or (2) of this section shall make the following certification:

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.

Section 21: Records Retention

All persons subject to this Ordinance shall retain and preserve for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence and any and all summaries relating to monitoring, sampling and chemical analysis made by or on his behalf in connection with his discharge.

Section 22: Confidential Information

All information and data contained in a person's reports, questionnaires, applications, monitoring programs and inspections shall be available to the general public or any governmental agency without restriction unless the person specifically requests and demonstrates to the satisfaction of the Director that the release of this information would divulge information, processes or methods which would be detrimental to his competitive position. Wastewater constituents and characteristics shall not be considered confidential information.

Any information accepted by the Director as confidential shall not be transmitted to the general public or any governmental agency without prior and adequate notification and permission of the person, but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the NPDES permit, state disposal system permit and/or the pretreatment program. However, the confidential portions of a report shall be available for use by the state agency for judicial review or enforcement proceedings involving the person who submitted the report.

Section 23: Powers and Authorities of Inspectors

The Director and other duly authorized Division employees bearing proper credentials and identification shall be permitted to enter all premises without advanced notice to conduct inspection, sampling, compliance monitoring, metering operations to ensure compliance with the provisions of this Ordinance, and to inspect and copy industrial user records. While performing these activities, Division personnel shall observe all safety rules established by the Person.

Where a Person has security measures requiring proper identification and clearance before entry, the and /or Person shall:

- A. Make necessary arrangements with his security staff to permit entry of Division personnel without delay to obtain samples of wastes being discharged at various sampling points; or,
- C. Install suitable gauging and sampling manholes outside security limits immediately accessible to Division personnel at all times.

Section 24: Falsifying Information

Any person who knowingly makes any false statement, representation, record, report, plan or other document filed with the Director or the Division; or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required by this Ordinance shall be in violation of this Ordinance and shall be guilty of a misdemeanor of the first degree. (Misdemeanor penalties are detailed in Sections 698.02 and 698.04 of the Codified Ordinances of the City of Newark.)

Section 25: Penalties and Remedies

The penalty provisions which follow shall in no way relieve a person from liability for damage to any facilities, injury to persons or property, or for any expense, loss of damage to the sewage works caused or permitted to be caused by the person. Additionally, the provisions herein set forth shall not be construed to limit the City's ability to seek other forms of redress, such as, but not limited to, injunctive relief. No person shall be subject to both an assessment of a fine by the Director in the nature of a penalty as provided below and a criminal penalty for the same offense.

A. Emergency Termination of Service

The Director may order the immediate termination of service and may take all measures necessary to halt or prevent any discharges to the P.O.T.W. where he finds any person is causing, engaging in, or maintaining a condition or activity which in his judgment presents an imminent danger to public health or safety or the environment or results in or is likely to result in interference with the sewage works, or if it violates any provision of this Ordinance, any order issued by the Director pursuant to authority, any order issued by the OEPA or any order issued by the USEPA.

Before issuing any termination of service order, the Director shall notify the user in such a manner as in the Director's judgment would provide reasonable notification that he intends to issue a termination of service order. The Director may issue such order without prior notification if reasonable

attempts to notify the owner have failed, but, in such event, notification shall be given as soon thereafter as practical. Within five (5) calendar days after the issuance of the order, the Director shall provide the user with an opportunity to be heard and to present evidence that such condition or activity does not present an imminent danger to public health or safety or to the environment or that the condition or activity does not violate a provision of this Ordinance, an order issued by the Director pursuant to authority, any order issued by the OEPA or any order issued by the USEPA, or that the activity or condition does not result in, nor is it likely to result in interference, with the sewage works.

Any final order of termination constitutes a final, appealable order pursuant to Chapter 2506 of the Ohio Revised Code. However, the failure of any person to appear at and defend its activity or condition at the hearing before the Director as provided for above, constitutes a waiver of that person's right of appeal.

B. Termination of Service other than in Emergencies for Specified Reasons

The Director may terminate the wastewater treatment service to any person who fails to:

- (1) Factually report the wastewater constituents and characteristics of his discharge;
- (2) Report significant changes in wastewater constituents or characteristics;
- (3) Permit reasonable access to his premises by Division personnel for the purpose of inspection or monitoring;
- (4) Comply with all provisions of this Ordinance; or,
- (5) Comply with the conditions of any judicial order entered with respect to this Ordinance.

Prior to termination of service, under this subsection, the Director shall notify the person in writing that the Director intends to terminate service. The notice shall advise the person of the violation and the necessary action to be taken. The person shall respond in writing within a time specified by the Director, advising him of the person's position concerning remedial measures. A hearing shall be scheduled prior to termination of service whereat the person may show cause why the termination should not be ordered. If the Director decides not to terminate service, the person shall be granted a period of time, determined by the Director, to correct any violation or affect remedial

measures, if needed. Thereafter, the person shall be on notice that further violation shall be immediately subject to the prescribed penalties. This provision is in addition to other statutes, rules, or regulations authorizing termination of service for delinquency in payment.

Any final order of termination constitutes a final appealable order pursuant to Chapter 2506 of the Ohio Revised Code. However, the failure of any person to appear and defend its activity or condition at the hearing before the Director, as provided for above, constitutes a waiver of that person's right to appeal.

C. Civil Penalties - Assessment of Fines By Director

The Director may issue orders to enforce Annex A.

The Director may issue Industrial User (IU) Permits in a form acceptable to the Ohio Environmental Protection Agency to require compliance with any requirement of this Ordinance. These IU permits shall include: applicable Pretreatment Standards, Local, State and Federal discharge limits, reporting requirements specifying the terms and conditions under which the users may use the sewage works, limitations on wastewater strength, effluent limitations, discharge reporting requirements, self monitoring requirements, methods of collecting samples, sampling techniques, the terms under which samples are to be analyzed, pretreatment standards, orders on sampling access points, standard conditions, and any other term, condition, or limitation deemed appropriate by the Director of Public Service.

No person shall violate any term, provision or condition or such order issued by the Director. The Director shall have the authority to assess a penalty for each violation of such order for at least one thousand dollars (\$1,000.00) per day. Each day of violation or any part thereof, shall constitute a separate offense. This provision shall not be construed to prohibit the Director from assessing fines in an amount less than \$1,000.00 if the circumstances, in the estimation of the Director of Public Service, warrant the lesser fine.

Prior to the assessment, the Director of Public Service shall notify the violator of the violation in writing and shall schedule a time and place to allow the violator to appear and respond to the allegations. Should the Director find that a violation has occurred, the Director shall notify the user of the assessment and its amount. The user shall remit payment to the Director of Public Service, Division of Wastewater within thirty (30) days from the notice of the assessment.

Such assessment shall be recoverable by the City of Newark in the same manner as other debts owed to the City of Newark.

In addition to the assessment provided herein, the City may recover reasonable attorney's fees, and costs, and other expenses of litigation by appropriate suit at law against the person found to be violating the order. The City may also recover special expenses including, but not limited to, equipment rental, chemicals and labor necessary to ensure the proper operation and maintenance of the wastewater facilities.

In determining the amount of the assessment to be levied, the Director shall consider the offender's history of prior enforcement actions; the severity of the infraction; and the existence of any mitigating factors.

Any final order of assessment constitutes a final appealable order pursuant to Chapter 2506 of the Ohio Revised Code. However, the failure of any person to appear and respond to the allegations before the Director shall constitute a waiver of that person's right of appeal.

Section 26: Disputes and Appeals

Any person adversely affected by any final appealable order may appeal directly to the Licking County Court of Common Pleas for an order vacating or modifying such order.

Any person desiring to appeal shall file a notice of appeal with the Director setting forth the order appealed from and the grounds of his appeal. A copy of such notice of appeal shall also be filed by the Appellant with the court. The notice of appeal shall be filed with the Director within thirty (30) days after the mailing of the Director's final order or within thirty (30) days of service upon the Appellant, whichever is earlier.

The person so appealing to the Court shall be known as Appellant and the Director in his official capacity shall be known as the Appellee. Appellant and Appellee shall be deemed to be parties to the appeal. The filing of an appeal provided on in this section does not automatically suspend or stay execution of the order appealed from, but upon application by the Appellant, the Court may suspend or stay such execution pending determination of the appeal upon such terms as it deems proper.

If upon completion of the appeal, the Court finds that the order appealed from was lawful and reasonable, it shall make a written order affirming the order appealed from. If the Court finds that such order was unreasonable or unlawful, it shall make a written order legal vacating the order appealed from and making the order which it finds the Director should have made.

Section 27: Criminal Sanctions

In addition to the foregoing civil penalties and not in limitation thereof, no person shall violate any term or provision of this Annex A. No person shall violate any order, or term or condition thereof of the Director issued under this Chapter 3 or any order of the OEPA or any order of the USEPA. Any person who does violate the foregoing shall be guilty of a misdemeanor of the first degree. Each day of occurrence or part thereof shall be considered a separate offense. Punishment shall be in accordance with Section 698.02 of the Codified Ordinances of the City of Newark, Ohio. In case of organizational culpability, punishment shall be in accordance with Section 698.04 of the Codified Ordinances of the City of Newark, Ohio.

Section 28: Annual Publication of Violators

At least annually, the Director shall publish a list of all industrial users which at any time during the previous twelve months were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, an industrial user is in significant noncompliance if its violations meet one or more of the following criteria:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during an OEPA prescribed ~~six~~ month period exceed (by any magnitude) the daily maximum limit or the Federal Pretreatment Standard average limit (select industries) for the same pollutant parameter;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a ~~six~~ month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the Director determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

- D. Any discharge of a pollutant that has caused imminent endangerment of human health, welfare or to the environment or has resulted in the POTW's exercise or 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 30 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 Director determines will or has adversely affected the operation or implementation of the City's pretreatment program.

Section 29: Special Arrangements

No statement contained in this Chapter shall be construed as preventing any special agreement or arrangement between the Division and any person whereby a waste of unusual strength or character may be accepted by the Division for treatment, subject to payment by the person; however, any special agreement shall not be permitted for any waste in excess of federal regulations or limitations.

Section 30: Municipal Review of Regulations

On or before July 1 each year, the Sewer Use Regulations shall be reviewed by the superintendent of the Division. If, in his opinion, changes or additions are required to insure compliance with applicable laws and regulations, he shall submit them to the Director for approval. Upon approval, the changes or additions shall be submitted to City Council for legislative action, to incorporate the changes into this Annex A.

Section 31: Severability

If any provision, section clause or sentence of this Chapter is invalidated by any court, the remaining provisions, sections, clauses or sentences shall not be affected, but shall continue in full force and effect.

Section 32: Conflict

All other resolutions and ordinances or parts of resolutions or ordinances with any part of this Chapter are repealed.

CHAPTER 4

SEWER SERVICE CHARGES REGULATIONS

Section 1: Rental for Sewage Services

It is declared necessary and conducive to the protection of the public health, safety and welfare of the City to levy and collect service charges or sewer rentals on all occupied premises, served by, connected with, or having access to the sewage works of the City. The proceeds of these charges or rentals shall be used by the Division as specified in this Chapter.

Section 2: Sewer Service Charges Defined

Every person having access to or who discharges sanitary sewage, industrial wastes, water or other wastes either directly or indirectly into the sewage works under the jurisdiction of the Division, shall be charged for the use of these works and for the treatment of their sewage.

The sewage service charges shall consist of an Administrative Charge, User Charge, Debt Service Charge, Strength Surcharge and Industrial Waste Surveillance Charge as follows:

- A. Administrative Charge. The recipients of waste treatment services shall pay an administrative charge and the administrative charges in aggregate shall approximate the administrative costs of the system.
- B. User Charge. The user charge is payment to the City by recipients of waste treatment services to offset the cost of operation, maintenance and replacement of the sewage works provided by the City. User charges are intended to enable the Division to be financially self-sufficient with respect to operation, maintenance and replacement of the sewage works.
- C. Debt Service Charge. The debt service charge in the aggregate shall approximate the total annual payments necessary to retire debt attributable to bonds and notes used to finance portions of the sewage works.
- D. Strength Surcharge. The strength surcharge is based on the pounds of total suspended solids, CBOD₅ and Ammonia in excess of the amount found in normal domestic sewage. COD may be applied in lieu of CBOD₅ when

deemed appropriate by the Director. Total Kjeldahl Nitrogen (TKN) may be applied in lieu of Ammonia when deemed appropriate by the Director.

"Normal Domestic Sewage", defined for the purpose of determining surcharge, shall mean sewage having an average daily suspended solids concentration of not more than 250 mg/L, an average daily BOD of not more than 200 mg/L, and an average daily NH₃ concentration of not more than 15 mg/L or an average daily TKN concentration of not more than 30 mg/L

When any or all of the total suspended solids, or CBOD₅, Ammonia or TKN of a water or waste accepted for admission to the sewage works exceeds the values of these constituents for normal domestic sewage, the strength surcharge shall be based on the cost of treating the excess quantities of waste measured in one hundred (100) pound units.

- E. Industrial Waste Surveillance Charge. The industrial waste surveillance charge is a flat rate fee charged to each classification of user when applicable. This fee, assessed in addition to all other charges, shall be utilized to defray the cost of monitoring and analyzing point source discharges.

Definitions:

Tier I	Less than 5 days per week sampling
Tier II	5 days per week sampling

Fees:

Tier I Fee	\$250.00 per month
Tier II Fee	\$500.00 per month

Section 3: Sewer Use Classification

The classes of sanitary sewer system users shall be:

Class I	Residential
Class II	Commercial
Class III	Industrial
Class IV	Governmental
Class V	Institutional

- A. Residential Class I - shall include all single or multiple unit residences which discharge sanitary sewage only. The residential class does not include transient population residences such as hotels and motels.
- B. Commercial Class II - shall include all nonresidential users not defined as industrial, governmental or institutional users (Section 3C, 3D and 3E).

Transient population residences, such as hotels and motels, shall be commercial class users. The allowable sewage strength for commercial class users shall be based on the volume and quantity of pollutants present in the wastewater.

- C. Industrial Class III - shall include all nonresidential users who contribute wastes other than sanitary sewage and who are identified in the *Standard Industrial Classification (SIC) Manual, 1987*, as amended and supplemented, under the following divisions:

- (1) Division A: Agriculture, Forestry and Fishing;
- (2) Division B: Mining;
- (3) Division D: Manufacturing;
- (4) Division E: Transportation, Communications, Electric, Gas and Sanitary Services; and,
- (5) Division I: Services

A user in these divisions may be excluded from the Industrial Class if it is determined that the user will introduce primarily segregated domestic wastes, or wastes from sanitary conveniences.

The industrial class users are required to have a suitable control manhole (Section 8).

- D. Governmental Class IV - shall include all nonresidential users having connections to the sewage works which are owned by municipalities, counties, the State of Ohio or the Federal Government.
- E. Institutional Class V - shall include all nonresidential users having connections to the sewage works which are owned by private schools, colleges, churches and church-related facilities, hospitals and nursing homes.

Section 4: Charges and Fees

- A. User Charge. The user charge, which covers the cost of operation, maintenance, and replacement, is comprised of an administrative charge and a commodity charge. The commodity charge is based on usage, with a base rate or minimum of 300 cubic feet.
- (1) Administrative Charge - The administrative charge shall consist of a unit rate cost per account administered by the City.
 - (2) Commodity Charge - The commodity charge will be based on the metered quantity of water consumed per month. Each account shall be billed

monthly for a minimum of 300 cubic feet or the actual metered quantity, whichever is greater.

When a premises has more than one meter, the administrative charge shall be applied to each account; the commodity rate may be applied to either the consolidated flow or to each account, except as specified in Section 7 of this Chapter.

- B. Debt Service Charge. The debt service charge shall be based on the metered quantity of water consumed per month for each account. Each account shall be billed monthly for a minimum of 300 cubic feet or the actual metered quantity, whichever is greater.
- C. Strength Surcharge. The strength surcharge shall be levied on a quarterly basis.
- D. Industrial Waste Surveillance Charge. The industrial waste surveillance charge shall be levied on a quarterly basis on Industrial Class III users and on all other users with BOD, suspended solids or other contaminants in concentrations greater than those defined for normal domestic sewage.
- E. Outside User Charge. The debt service charge for present and future connections or taps to the City's sewage works made outside the corporate limits shall be two times the rate within the corporate limits.
- F. The Schedule of Charges and Fees is presented in Appendix 1.

Section 5: Payment of Charges

Sewer charges shall be assessed monthly. Payment shall be made within ten (10) days following the receipt of the statement of charges. Sewer charges shall be billed on a joint statement with water charges and shall be payable at the Department of Public Service, Water Office.

If the bill for sewer service remains unpaid for a thirty (30) day period, the arrearage will be added to the next monthly billing. Notice shall be given with this bill that if both bills are left unpaid at the Water Office after the due date (two bills that are past due constitute a double bill), a delinquent charge shall be applied to the bill and water furnished by the Division shall be scheduled for shut off without further notice. If water

service is scheduled for termination, a service fee and deposit shall be assessed to the account if not paid by the termination date.

If water service is terminated due to delinquent payment of charges, service shall not be restored until all water, sewer, delinquent and service charges and deposit are paid in full.

Each charge levied by or pursuant to this Chapter shall be made a lien upon the corresponding lot, land or premises served by a connection to the sanitary sewage system. If the charge is not paid, it shall be certified to the Auditor of Licking County, Ohio who shall place that amount on the tax duplicates of the county, with interest and penalties allowed by law, and collect it as other taxes are collected.

The funds received from the collection of sewer service charges as defined in Section 2 shall be deposited in the Sewer Rental Fund.

Section 6: Sewer Rental Fund

The sewer rental fund is an account into which collections from sewer service charges are deposited. The sewer rental fund shall be used to pay the costs of management, administration, operation, maintenance, (including replacement) of the sewage works; the debt service resulting from capital improvements to the sewage works; land acquisition costs; and additions to the sinking fund for retirement of the debt.

That portion of sewer service charges collected for operation, maintenance and replacement (OM&R) costs shall be accounted for separately and shall be utilized only for those costs associated with OM&R. A portion of the funds collected for OM&R, but not less than One Hundred and Fifty Thousand Dollars (\$150,000) per annum, shall be deposited in an interest-bearing account (Sewage Works Replacement), the principal and interest from which shall be restricted in use to offset major maintenance and/or replacement costs associated with, but not necessarily limited to, the major equipment items as set forth in Appendix II. Appendix II is incorporated into this Ordinance as if it were fully rewritten herein.

Section 7: Measurement of Volume.

- A. When premises are supplied either in whole or in part with water from wells or any source other than the public water supply, the source of supply shall be registered on a form provided by the Division. The owner of the premises shall install and maintain, at his expense, meters acceptable to the Division of all water supplies. The metered quantity of water shall determine the sewage service charge.

- B. When a person can demonstrate to the satisfaction of the Director that a minimum average of 2000 gallons per day of the water measured by the water meters does not enter the sewage system, he may submit an application, provided by the Division, to install an auxiliary water meter (Section 7E). The Director may require an additional meter(s), installed at the person's expense, to measure the quantity of water actually entering the sewage works. The measured quantity of water actually entering the sewage works shall determine the sewage service charge.
- C. When wells are used as a supplementary water supply for a period not exceeding six (6) months in any calendar year, the base rate portion of the user charge may be waived by the Director for the period of non-usage, subject to any requirements he may deem necessary.
- D. Fire protection service branches shall be exempt from all sewage service charges except for water used for purposes other than fire protection.
- E. Where an auxiliary meter (or meters) is required to determine the quantity of water subject to sewage service charges, the meter(s) shall be installed only with the approval of the Director. The meters shall be installed, owned and maintained by the property owner. Venturi meters, flumes, weirs and other methods of measuring flow shall be used only when authorized by the Director. Meters which shall be approved are:
 - (1) Meters purchased from the Division;
 - (2) Meters equal or similar to (1) above, purchased elsewhere and tested by the Division;
 - (3) Crest or turbine-type meters of two-inch (2") size and overused where the meter is under full head at all times, provided the meter is tested and approved for large constant flows by the Division;
 - (4) Meters used currently for tax purposes by the United States Government will be accepted without tests; and,
 - (5) Existing private meters now in place may be used on a conditional basis. If these meters are suspected of fault registration, they are subject to a test, by order of the Director.

Other meters shall be tested by their manufacturer and a certificate of the test shall be filed with the Director. These meters shall not be used without the written approval of the Director.

Where an auxiliary meter has been installed, it shall not be removed without the approval of the Director.

- F. All meters shall be installed according to the standard rules and regulations of the Division or other applicable public water works.

Where private meters are used on wells or in an industrial water distribution system, and are set behind the primary water supply meter, the prescribed standard rules and regulations may be modified or waived by the Director.

- G. If a person discharging clean wastewater, installs and operates equipment to dispose of or prevent this wastewater from entering the sewage works, he shall be exempt of clean wastewater disposed of or diverted. When this equipment is operational, the person shall install a meter at his expense to measure the quantity of water disposed of or diverted.
- H. If the Director finds that it is not practical to measure the wastewater by meters, he shall determine, by any method he finds practical, the percentage of water entering the sewage works. The quantity of water thus determined shall provide the basis of the sewage service charge.

Section 8: Industrial Waste Testing

- A. A person discharging other than normal domestic sewage shall install a suitable control manhole in the building sewer, together with such meters and appurtenances the Director may require, to permit observation, inspection, sampling and flow measurement of the combined wastes from the premises. This chamber shall be constructed according to approved plans, at the person's expense and maintained by him to be safe and accessible at all times.
- B. All measurements, tests and analyses of the combined wastes shall be conducted according to 40 CFR Part 136.
- C. The strength of the wastes shall be determined from samples taken at the control manhole at any period of time or duration, and in any manner the Division may elect; or, at any place mutually agreed upon by the person and the Division. The results of routine sampling and analysis by the person may also be used to determine the surcharge, after verification by the Division. If it is not possible to install a suitable control manhole for commercial users and/or other dischargers with BOD and suspended solids concentrations greater than those defined for normal domestic sewage, then the City shall take grab samples or use other reasonable measures and/or estimates to establish the strength of wastes for these users. The waste strength shall be

used to determine the surcharge. The surcharge shall be applied to the total water consumption and shall be based on the average strength of all wastes discharged to the sewage works during the quarterly billing period.

- D. The Division shall assume the cost of operation and the necessary analytical work of not more than two (2) gauging and sampling manholes or points of discharge. The work time of Division personnel engaged in the field operations and laboratory analyses shall not exceed a five (5) day, forty (40) hour week.

If more than two (2) gauging and sampling manholes or points of discharge are necessary, additional costs to install measurement devices, personnel costs required to operate the manholes or sampling points, and subsequent laboratory analysis costs shall be borne by the and/or Person.

Where a and/or Person discharges effluent to a manhole(s) used as a gauging and sampling point, and the effluent volume and duration prevent installation of hydraulic equipment until the and/or Person ceases operations by weekend close down, the costs of installation, including overtime pay, shall be borne by the Person. If the Person elects to install the hydraulic equipment, the installation shall be approved by the Director.

If a period in excess of the standard five (5) day, forty (40) hour week is required for Division personnel to properly gauge, sample, and analyze the discharged effluent, the extra costs shall be borne by the Person.

- E. If Person disagrees with the analysis on which the sewage surcharge is based, he may request, in writing, an additional sampling and analysis shall be borne by the person.
- F. In the event an analysis of the wastes is not furnished to the Director upon request, the sewage surcharge shall be based on a chemical analysis of a similar process or other data acceptable to the Director. This surcharge shall continue in effect until an analysis of the wastes is submitted by the and/or Person and confirmed by the Director.

Section 9: Falsifying Information

No person shall knowingly make any false statement, representation, record, report, plan, or other document and file such with the Division of Water and Wastewater. No person shall falsify, tamper with, or knowingly render inaccurate any monitoring device or method required by this ordinance. Any person who violates this Section shall be guilty of a misdemeanor of the first degree. Punishment shall be in accordance with

Section 698.02 of the Codified Ordinances of the City of Newark, Ohio. In case of organizational culpability, punishment shall be in accordance with Section 698.04 of the Codified Ordinances of the City of Newark, Ohio.

Section 10: Special Agreements

No statement contained in this Chapter shall be construed as preventing any special agreement or arrangement between the Division and any person whereby a waste of unusual strength or character may be accepted by the Division for treatment, subject to payment by the person; however, any special agreement shall not be permitted for any waste in excess of federal regulations or limitations.

Section 11: Municipal Review of Charges and Fees

On or before July 1 of each year, the Superintendent shall submit to the Director of Public Service a recommended system of sewer service charges. If approved, the Director shall submit the sewer service charge schedule to City Council at the first regular October meeting for ratification and incorporation into the City Ordinances. The system shall comply with the following requirements:

- A. The costs of operation and maintenance of the sewage works within the Division's jurisdiction shall be distributed in each user class in proportion to its contribution to the total wastewater loading of the sewage works. To ensure a proportional distribution of operation and maintenance (including replacement) costs to each user class, strength, volume, and delivery flow rate characteristics shall be considered the basis for the user's contribution.
- B. The cost of treating and handling the extra strength constituents of suspended solids and BOD shall be determined and reported as a cost per one hundred (100) pounds.
- C. The actual cost of collecting samples, testing and reporting the results of analyses shall be determined and distributed proportionately to the appropriate user class.
- D. The system of charges shall be reviewed annually and revised periodically to reflect actual operation and maintenance (including replacement) costs.
- E. The system of charges shall generate sufficient revenue to offset the capital, operations and maintenance cost of the sewage works, and other expenditures authorized by Section 6 of this Chapter.

Section 12: Notification

On or before December 31 of each year, the City shall provide, with one of its regular billings, a notification to each user regarding Sewer Use charges, which includes, but is not necessarily limited to costs for Administrative Charges, Operation, Maintenance and Replacement, and Debt Service.

Section 13: Severability

If any provisions, section clause or sentence of this Chapter is invalidated by any court, the remaining provisions, sections, clauses or sentences shall not be affected, but shall continue in full force and effect.

Section 14: Conflict

All other Resolutions and Ordinances or parts of Resolutions or Ordinances inconsistent or conflicting with any part of this Chapter are repealed.

APPENDIX I

SCHEDULE OF CHARGES AND FEES

(Amended by Ordinance 09-14 – Commencing April 6, 2009)

A. User Charge

1. Administrative Charge
Each Account **\$4.21/Month/Account**

2. Commodity Charge **\$1.06 /100 cu.ft.**

Each account shall be billed monthly for a minimum of 300 cubic feet (3 consumptions) or the actual metered quantity whichever is greater. A deposit shall be required from any person or entity who, establishes a water service account and does not have 12 months of timely paid service. A signup fee shall be required from each new customer. The minimum user charge, for less than a full month of service, shall be:

<u>Service</u>	<u>Minimum Partial Month Chg.</u>
01 to 15 days – no consumption	\$0.00
01 to 15 days – 1 to 3 consumption	\$7.78
16 to 30 days – Normal Monthly Billing	

B. Debt Service Charge

<u>Rate and User Class</u>	<u>Debt Service Charge \$/100 cu.ft.</u>	
	<u>Minimum</u>	<u>Over 3</u>
I Residential Class	\$0.13	\$0.88
II Commercial Class	\$1.50	\$1.50
III Industrial Class	\$0.88	\$0.88
IV Governmental Class	\$1.50	\$1.50
V Institutional Class	\$1.50	\$1.50

Commencing January 1, 2010

User Charge

1. Administrative Charge
Each Account **\$4.43/Month/Account**
2. Commodity Charge **\$1.12 /100 cu.ft.**

Each account shall be billed monthly for a minimum of 300 cubic feet (3 consumptions) or the actual metered quantity whichever is greater. A deposit shall be required from any person or entity who, establishes a water service account and does not have 12 months of timely paid service. A signup fee shall be required from each new customer. The minimum user charge, for less than a full month of service, shall be:

<u>Service</u>	<u>Minimum Partial Month Chg.</u>
01 to 15 days – no consumption	\$0.00
01 to 15 days – 1 to 3 consumption	\$8.21
16 to 30 days – Normal Monthly Billing	

Debt Service Charge

<u>Rate and User Class</u>	<u>Debt Service Charge \$/100 cu.ft.</u>	
	<u>Minimum</u>	<u>Over 3</u>
I Residential Class	\$0.14	\$0.93
II Commercial Class	\$1.58	\$1.58
III Industrial Class	\$0.93	\$0.93
IV Governmental Class	\$1.58	\$1.58
V Institutional Class	\$1.58	\$1.58

Commencing January 1, 2011

C. User Charge

- 1. Administrative Charge
Each Account **\$4.64/Month/Account**

- 2. Commodity Charge **1.17 /100 cu.ft.**

Each account shall be billed monthly for a minimum of 300 cubic feet (3 consumptions) or the actual metered quantity whichever is greater. A deposit shall be required from any person or entity who, establishes a water service account and does not have 12 months of timely paid service. A sign-up fee shall be required from each new customer. The minimum user charge, for less than a full month of service, shall be:

<u>Service</u>	<u>Minimum Partial Month Chg.</u>
01 to 15 days – no consumption	\$0.00
01 to 15 days – 1 to 3 consumption	\$8.60
16 to 30 days – Normal Monthly Billing	

D. Debt Service Charge

<u>Rate and User Class</u>	<u>Debt Service Charge \$/100 cu.ft.</u>	
	<u>Minimum</u>	<u>Over 3</u>
I Residential Class	\$0.15	\$0.97
II Commercial Class	\$1.66	\$1.66
III Industrial Class	\$0.97	\$0.97
IV Governmental Class	\$1.66	\$1.66
V Institutional Class	\$1.66	\$1.66

Commencing January 1, 2012

User Charge

1. Administrative Charge
Each Account **\$4.86/Month/Account**

2. Commodity Charge **\$1.23 /100 cu.ft.**

Each account shall be billed monthly for a minimum of 300 cubic feet (3 consumptions) or the actual metered quantity whichever is greater. A deposit shall be required from any person or entity who, establishes a water service account and does not have 12 months of timely paid service. A sign-up fee shall be required from each new customer. The minimum user charge, for less than a full month of service, shall be:

<u>Service</u>	<u>Minimum Partial Month Chg.</u>
01 to 15 days – no consumption	\$0.00
01 to 15 days – 1 to 3 consumption	\$9.03
16 to 30 days – Normal Monthly Billing	

Debt Service Charge

<u>Rate and</u>		<u>Debt Service Charge \$/100 cu.ft.</u>	
<u>User Class</u>		<u>Minimum</u>	<u>Over 3</u>
I	Residential Class	\$0.16	\$1.02
II	Commercial Class	\$1.74	\$1.74
III	Industrial Class	\$1.02	\$1.02
IV	Governmental Class	\$1.74	\$1.74
V	Institutional Class	\$1.74	\$1.74

Commencing January 1, 2013

User Charge

- 1. Administrative Charge
Each Account **\$5.11/Month/Account**
- 2. Commodity Charge **\$1.29 /100 cu.ft.**

Each account shall be billed monthly for a minimum of 300 cubic feet (3 consumptions) or the actual metered quantity whichever is greater. A deposit shall be required from any person or entity who, establishes a water service account and does not have 12 months of timely paid service. A signup fee shall be required from each new customer. The minimum user charge, for less than a full month of service, shall be:

Service	Minimum Partial Month Chg.
01 to 15 days – no consumption	\$0.00
01 to 15 days – 1 to 3 consumption	\$9.49
16 to 30 days – Normal Monthly Billing	

Debt Service Charge

Rate and User Class	Debt Service Charge \$/100 cu.ft.	
	<u>Minimum</u>	<u>Over 3</u>
I Residential Class	\$0.17	\$1.07
II Commercial Class	\$1.83	\$1.83
III Industrial Class	\$1.07	\$1.07
IV Governmental Class	\$1.83	\$1.83
V Institutional Class	\$1.83	\$1.83

Commencing January 1, 2014

User Charge

- 1. Administrative Charge
Each Account **\$5.36/Month/Account**
- 2. Commodity Charge **\$1.35 /100 cu.ft.**

Each account shall be billed monthly for a minimum of 300 cubic feet (3 consumptions) or the actual metered quantity whichever is greater. A deposit shall be required from any person or entity who, establishes a water service account and does not have 12 months of timely paid service. A signup fee shall be required from each new customer. The minimum user charge, for less than a full month of service, shall be:

<u>Service</u>	<u>Minimum Partial Month Chg.</u>
01 to 15 days – no consumption	\$0.00
01 to 15 days – 1 to 3 consumption	\$9.95
16 to 30 days – Normal Monthly Billing	

Debt Service Charge

Rate and User Class	<u>Debt Service Charge \$/100 cu.ft.</u>	
	<u>Minimum</u>	<u>Over 3</u>
I Residential Class	\$0.18	\$1.13
II Commercial Class	\$1.92	\$1.92
III Industrial Class	\$1.13	\$1.13
IV Governmental Class	\$1.92	\$1.92
V Institutional Class	\$1.92	\$1.92

All Charges to increase by 2.3% for each year starting in 2015 through the year 2030

Appendix I, Section C & D

C. Strength Surcharge (*effective July 1, 2013*)

Strength Surcharge in Dollars per 100 Pounds

1. Suspended Solids	\$	17.34/100 lbs.
2. Carbonaceous Biochemical Oxygen Demand (CBOD5)		
Level I, < 6000 Pounds per Day	\$	13.44/100 lbs.
Level II, 6000 to 18,000 Pounds per Day	\$	75.00/100 lbs.
Excess, > 18,000 Pounds per Day	\$	150.00/100 lbs.
3. Ammonia/TKN	\$	24.57/100 lbs.

D. Industrial Waste Surveillance Charge (*effective July 1, 2013*)

Industrial Waste Surveillance Charge per month

Tier I.....	\$	250.00 per month
Tier II	\$	500.00 per month

Definitions:

Tier I: Less than 5 days per week sampling

Tier II: 5 days **or more** per week sampling

Appendix I, Section C & D

C. Strength Surcharge (*effective July 1, 2014*)

Strength Surcharge in Dollars per 100 Pounds

1. Suspended Solids	\$	17.80/100 lbs.
2. Carbonaceous Biochemical Oxygen Demand (CBOD5)		
Level I, < 6000 Pounds per Day	\$	15.19/100 lbs.
Level II, 6000 to 18,000 Pounds per Day	\$	75.00/100 lbs.
Excess, > 18,000 Pounds per Day	\$	150.00/100 lbs.
3. Ammonia/TKN	\$	25.88/100 lbs.

D. Industrial Waste Surveillance Charge (*effective July 1, 2014*)

Industrial Waste Surveillance Charge per month

Tier I.....	\$	250.00 per month
Tier II	\$	500.00 per month

Definitions:

Tier I: Less than 5 days per week sampling

Tier II: 5 days **or more** per week sampling

Appendix I, Section C & D

C. Strength Surcharge (*effective July 1, 2015*)

Strength Surcharge in Dollars per 100 Pounds

1. Suspended Solids	\$	18.26/100 lbs.
2. Carbonaceous Biochemical Oxygen Demand (CBOD5)		
Level I, < 6000 Pounds per Day	\$	16.94/100 lbs.
Level II, 6000 to 18,000 Pounds per Day	\$	75.00/100 lbs.
Excess, > 18,000 Pounds per Day	\$	150.00/100 lbs.
3. Ammonia/TKN	\$	27.19/100 lbs.

D. Industrial Waste Surveillance Charge (*effective July 1, 2015*)

Industrial Waste Surveillance Charge per month

Tier I.....	\$	250.00 per month
Tier II	\$	500.00 per month

Definitions:

Tier I: Less than 5 days per week sampling

Tier II: 5 days **or more** per week sampling

Appendix I, Section C & D

C. Strength Surcharge (*effective July 1, 2016*)

Strength Surcharge in Dollars per 100 Pounds

1. Suspended Solids	\$	18.74/100 lbs.
2. Carbonaceous Biochemical Oxygen Demand (CBOD5)		
Level I, < 6000 Pounds per Day	\$	18.72/100 lbs.
Level II, 6000 to 18,000 Pounds per Day	\$	75.00/100 lbs.
Excess, > 18,000 Pounds per Day	\$	150.00/100 lbs.
3. Ammonia/TKN	\$	28.53/100 lbs.

D. Industrial Waste Surveillance Charge (*effective July 1, 2016*)

Industrial Waste Surveillance Charge per month

Tier I.....	\$	250.00 per month
Tier II	\$	500.00 per month

Definitions:

Tier I: Less than 5 days per week sampling

Tier II: 5 days **or more** per week sampling