

ORDINANCE NO. 2010-32

AN ORDINANCE AMENDING PART NINE – STREETS, UTILITIES AND PUBLIC SERVICES CODE, TITLE THREE – UTILITIES, CHAPTER 925 – SEWERAGE SYSTEM REGULATIONS OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS, OHIO AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

WHEREAS, Ordinance No. 1992-5, adopted February 27, 1992, established **Chapter 925 – Sewerage System Regulations** for the purpose of setting forth uniform requirements for discharges into the Willoughby-Eastlake Wastewater Collection and Treatment Systems, and enables the city to protect public health in conformity with all applicable, local, State, and Federal laws relating thereto; and

WHEREAS, Ordinance No. 2003-32, adopted June 26, 2003, made certain modifications to the sewerage system rules and regulations pertaining to Section 925.05 – Discharge Prohibitions and Limitations, Section 925.06 – Fees and Section 925.07 – Administration; and

WHEREAS, the City of Willoughby Water Pollution Control Center’s new National Pollutant Discharge Elimination System Permit (NPDES), effective August 1, 2009, required that the wastewater treatment plant’s pretreatment program be modified to incorporate the new pretreatment streamlining rules contained in the Ohio Administrative Code (OAC) 3745-3; and

WHEREAS, the Ohio EPA approved said modification request on March 29, 2010; and therefore, surrounding communities who discharge to the plant, must update their sewer use ordinances accordingly.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, AND STATE OF OHIO THAT:

SECTION 1. Chapter 925 – Sewerage System Regulations of the Codified Ordinances of the City of Willoughby Hills be and it hereby is amended to read and provide in its entirety as follows:

**“CHAPTER 925
Sewerage System Regulations**

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| 925.01 Purpose and Objectives. | 925.15 Interceptors and Traps. |
| 925.02 Definitions. | 925.16 Change in Waste Characteristics. |
| 925.03 Mandatory Connections to Sanitary Sewerage System. | 925.17 WPCC Appeal Board. |
| 925.04 Surface Unpolluted Water Connections Prohibited in Sanitary Sewers; Sewage in Storm Sewers. | 925.18 Annual Publication. |
| 925.05 Discharge Prohibitions and Limitations. | 925.19 Photographic and Visual Inspections. |
| 925.06 Fees. | 925.20 Willoughby Sanitary Sewerage District No. F-1. |
| 925.07 Administration. | 925.21 Willoughby Storm Sewer District No. F-1. |
| 925.08 Records. | 925.22 Hauler Prohibitions. |
| 925.09 Falsifying Information. | 925.23 Administrative Enforcement Remedies. |

- 925.10 Failure to Report Accidental Discharges.
- 925.11 Pretreatment.
- 925.12 Operation of Private Treatment Facilities.
- 925.13 Intentional Discharge of a Prohibited Waste.
- 925.14 Operating Upsets Report

- 925.24 Application.
- 925.99 Remedies and Penalties.

CROSS REFERENCES

Management and Control of Sewerage System – see Ohio R.C. 729.50
Rules for House Service Connections – see S. U. & P. S. 921.01
Tap-In Charges – see S. U. & P. S. 921.02, 921.03
Sewer Rates – see S. U. & P. S. Ch. 923

925.01 PURPOSE AND OBJECTIVES.

(a) **Purpose and Policy.** This chapter sets forth uniform requirements for discharges into the Willoughby-Eastlake wastewater collection and treatment systems, and enables the City to protect public health in conformity with all applicable local, State, and Federal laws relating thereto. The objectives of this Chapter are:

- (1) To prevent the introduction of pollutants into the wastewater treatment system which will interfere with the normal operation of the system or contaminate the resulting municipal sludge;
- (2) To prevent the introduction of pollutants into the wastewater treatment system which do not received adequate treatment in the POTW, and which will pass through the system into receiving waters, or the atmosphere, or otherwise be incompatible with the system;
- (3) To improve the opportunity to recycle and reclaim wastewater and sludge from the system; and
- (4) To prevent the introduction of pollutants into the storm drainage system which may contribute to the degradation of the system and receiving stream.

(b) **Implementation.** This chapter provides for the regulation of discharges into the POTW through the issuance of permits, the execution of binding contracts and the enforcement of administrative regulations. Nothing in this chapter shall limit the right of the Director to reject wastes or to contract for a special agreement or arrangement for the treatment and disposal of wastes unless such actions are contrary to State and Federal laws and regulations.

925.02 DEFINITIONS.

(a) As used in this Chapter, certain terms are defined as follows:

- (1) **“Act”** means the Federal water Pollution control Act, also known as the “Clean Water Act” (33 U.S.C. 1251, et seq.), as amended.
- (2) **“Appeal Board”** means WPCC Appeal Board appointed by the mayors of the cities of Willoughby, Willoughby Hills and Eastlake, as established in Section 925.17.
- (3) **“Authorized representative”** means either:
 - A. A principal executive officer if the user is a corporation;
 - B. A general partner or proprietor if the user is a partnership or

- proprietorship; or
- C. A duly-authorized representative of the individual or organization if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
- (4) **“Best Management Practices” or “BMPs”** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 925.05 of this Chapter. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
 - (5) **“Bypass”** means the intentional diversion of wastestreams from any portion of an industrial user’s treatment facility.
 - (6) **“C.B.O.D.”** or “Carbonaceous Biochemical Oxygen Demand” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days and twenty degrees Centigrade expressed in milligrams per liter (mg/l) or parts per million (ppm) by weight.
 - (7) **“Categorical pretreatment standards”** means National pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced into a POTW by specific industrial dischargers customarily applied to end-of-process streams, following pretreatment.
 - (8) **“City”** means the City of Willoughby Hills, Ohio.
 - (9) **“C.O.D.”** or “chemical Oxygen Demand” means the quantity of oxygen required to satisfy the carbon in a waster as determined by chemical oxidation of the waste with a strong oxidation agent (acid solution), expressed in milligrams per liter (mg/l).
 - (10) **“Combined sewer”** means a sewer designated by the City to carry sewage, storm water, surface water and drainage, and which may carry unpolluted wastewater and cooling water.
 - (11) **“Commercial user”** includes retail or wholesale business establishments that discharge wastewater into the public wastewater treatment system, works and facility.
 - (12) **“Compatible pollutant”** means C.B.O.D., C.O.D., phosphorus, oil and grease, suspended solids, pH and fecal coliform bacteria; plus any additional pollutants identified in the publicly owned treatment works’ NPDES permit where such treatment work is designated to and, in fact does, treat such pollutants to the degree required by the POTW’s NPDES permit.
 - (13) **“Cooling water”** means the water discharged from a condensation, air conditioning, cooling, refrigeration or other system, but free from odor or oil, and containing no polluting substances which could produce C.B.O.D. or suspended solids each in excess of ten milligrams per liter.
 - (14) **“Direct discharge”** means the discharge of treated or untreated wastewater directly to the waters of the State.
 - (15) **“Director”** means the Director of Public Service of the City of Willoughby and wherever used in this Chapter shall mean the Director or his duly-authorized representative; the Director of Public Service of the city shall be notified by the Director whenever the Director acts or proposes to act in relation to a sewer servicing property within the City.
 - (16) **“Discharger”** means any user who discharges an effluent into a POTW or

storm drainage system.

- (17) **“EPA”** means the Environmental Protection Agency, whether the U.S. or the Ohio EPA, or, where appropriate, a designation for the Administrator or other duly authorized official or such agency.
- (18) **“Floatable oil”** means oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility.
- (19) **“Garbage”** means solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- (20) **“Grab sample”** means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- (21) **“Holding tank waste”** means any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.
- (22) **“Incompatible pollutant”** means a waste constituent which interferes with the operation and performance of the waste-water treatment works.
- (23) **“Indirect discharge”** means the discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act (33 U.S.C. 1317) into the POTW including holding tank waste discharge into the sewer system.
- (24) **“Industrial user”** means a source of indirect discharge.
- (25) **“Industrial wastes”** means the liquid, solid or gaseous waste resulting from industrial processes, trade or business as distinct from sanitary sewage.
- (26) **“Insignificant user”** means those users having no process wastes or significant wastes other than normal sewage.
- (27) **“Intercepting sewer”** means a sewer intended to receive flows from both combined sewers and sanitary sewers; or a sewer whose primary purpose is to transport wastewater from collector (local) sewers to a wastewater treatment plant.
- (28) **“Interference”** means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
 - A. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes or disposal; and
 - B. Therefore is a cause of a violation of any requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use disposal.
- (29) **“Major significant user”** means:
 - A. All industrial users subject to categorical pretreatment standards and any other industrial user with substantial process wastewater being discharged or with a high possibility of discharging other than normal sewage who:
 - 1. Discharge an average of 25,000 gallons per day or more of process wastewater to the POTW;
 - 2. Contribute a process wastewater stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - 3. Have a reasonable potential, in the opinion of the Director, to adversely affect the POTW’s operation or for violating any

pretreatment standard or requirement.

- B. The Director may at any time, on his own initiative or in the response to a petition received from a user, determine that a noncategorical user is not a major significant user if the user has no reasonable potential to adversely affect the POTW's operation or for violating any pretreatment standard or requirement.
- (30) **“Minor significant user”** means:
- A. Any industrial users with very low process waste and low concentrations of pollutants in their waste or those that discharge sanitary waste but have a potential for discharging other than normal sewage, such as accidental spills, who:
 - 1. Discharge an average of less than 25,000 gallons per day of process wastewater to the POTW;
 - 2. Contribute a process wastestream which makes up less than five percent (5%) of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - 3. Have a reasonable potential, in the opinion of the Director to adversely affect the POTW's operation or for violating any pretreatment standard or requirement.
 - B. The director may at any time, on his own initiative or in response to a petition received from a user, determine that a noncategorical user is not a minor significant user if the user has no reasonable potential to adversely affect the POTW's operation or for violating any pretreatment standard or requirement.
- (31) **“Multiple user”** means the owner of any property where more than one industrial user and commercial user discharge into a common sewer line and control manhole.
- (32) **“NPDES”** or **“NPDES permit”** means any National Pollutant Discharge Elimination System permit or equivalent document or requirements issued by the State water pollution control agency to regulate the discharge of pollutants from the wastewater treatment works.
- (33) **“Natural outlet”** means any outlet into a watercourse, pond, ditch, lake or other body of surface water or ground water.
- (34) **“New source”** means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which is commenced after the adoption of Federal, State or local pretreatment standards which are applicable to such source, provided that:
- A. The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - B. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - C. The production of wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is engaged in the same general type of activity as the existing source are to be considered.
- (35) **“Normal sewage”** means sewage which when analyzed, shows, by weight, a daily average of not more than 225 milligrams per liter (mg/l) suspended solids; nor more than 185 mg/l C.B.O.D. and/or 250 mg/l C.O.D.; nor more

than fifty mg/l ammonia; nor more than eighty mg/l ether-soluble matter (grease and oil); nor more than eight mg/l phosphorus. These concentrations will be used for determining surcharges.

- (36) **“OEPA”** means Ohio Environmental Protection Agency; the department of the State of Ohio assigned and designated as the legal authority of administration, supervision and regulation of municipal, private and industrial wastewater treatment plants in Ohio.
- (37) **“Operations”** means any physical and mechanical actions, processes or functions required to efficiently operate the wastewater treatment works as defined herein.
- (38) **“Owner”** means any individual, company, partnership, firm, corporation or any other entity who holds an industrial/commercial parcel as personal property.
- (39) **“Pass-through”** means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation or any requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation).
- (40) **“pH”** means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (41) **“Phosphorus”** means a constituent in wastewater identified in “Standard Methods for the Examination of Water and Wastewater”.
- (42) **“Pollutant”** means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.
- (43) **“Pollution”** means the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.
- (44) **“POTW”** means treatment works of the Willoughby-Eastlake wastewater collection and treatment systems; any pumps stations, sewers and force mains that convey wastewater to, and including, the POTW treatment plant, but not including pipes, sewers or other conveyances not connected to a facility providing treatment.
- (45) **“Pretreatment”** or **“treatment”** means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, discharging or otherwise introducing such pollutants into a POTW.
- (46) **“Pretreatment requirements”** means any substantive or procedural requirement related to pretreatment other than a National Pretreatment Standard imposed on an industrial user.
- (47) **“Properly shredded garbage”** means the wastes from the preparation, cooking or dispensing of foods that have been shredded to such a degree that all particles are carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.
- (48) **“Public sewer”** means a sewer in which all owners of abutting properties have equal rights and which is controlled by public authority.
- (49) **“Sanitary sewage”** means sewage discharged from the sanitary conveniences of dwellings, including apartment houses, hotels or motels, office buildings, factories or institutions, and free from storm and surface

- waters.
- (50) **“Sanitary sewer”** means a sewer designated by the City to carry sewage and to which storm, surface and ground waters are not intentionally admitted.
 - (51) **“Sanitary sewer system”** or **“sanitary sewerage collection system”** as used in this Chapter means a sewer and other appurtenances used to control, channel, or divert sanitary or industrial wastes, but excluding storm and surface waters.
 - (52) **“Sewer system”** means a pipe or pipes and/or conduit or conduits used to collect and transport sewerage or stormwater.
 - (53) **“Severe property damage”** means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
 - (54) **“Sewage surcharge”** means the fee required to cover the increased costs of treating wastes which concentration in excess of those found in “normal sewage”.
 - (55) **“Sewage works”** means the wastewater treatment works or sewerage system and includes all facilities for collecting, pumping, treating or disposing of sewage.
 - (56) **“Sewer”** means a pipe or conduit used to collect and transport sewage or stormwater.
 - (57) **“Shall”** is mandatory; **“may”** is permissive.
 - (58) **“SIC”** means Standard Industrial Classification, pursuant to the Standard Industrial Classification Manual, a classification issued by the Executive Office of the President, Office of Management and Budget, 1972.
 - (59) **“Slug”** means any discharge of wastewater containing any pollutant released in a single extraordinary discharge episode of such volume or strength that may, or does, cause problems, including interference, at the POTW.
 - (60) **“State”** means the State of Ohio.
 - (61) **“Storm drainage system”** means storm drain, a sewer and appurtenance and public ditches, swales, retention areas, dams, weirs, dikes and any other appurtenances used to control, channel, or divert storm and surface waters and drainage, but excluded sewage and industrial wastes. It may however, be used to carry unpolluted wastewater and cooling water.
 - (62) **“Storm water”** means any flow occurring during or following any form of natural precipitation and resulting therefrom.
 - (63) **“Suspended solids”** means solids that either float on the surface of, or are in suspension in, water, sewage, or other liquid, and which are removable by laboratory filtering.
 - (64) **“Toxic pollutant”** means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA.
 - (65) **“Unpolluted water”** or **“unpolluted wastewater”** means waste or wastewater which does not contain any:
 - A. Free or emulsified grease or oil;
 - B. Acid or alkali;
 - C. Phenols or other substances which impart taste or odor to receiving waters;

- D. Toxic or poisonous substances in suspension, colloidal state or solution;
 - E. Noxious or odorous gases;
 - F. Dissolved solids in excess of 10,000 mg/l;
 - G. Suspended solids in excess of ten mg/l;
 - H. C.B.O.D. in excess of ten mg/l; or
 - I. Color in excess of fifty units.
- (66) **“Upset”** means an exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with the standards set forth herein due to factors beyond the reasonable control of the discharger, and excluding noncompliance to the extent caused by operational error, improperly designated treatment facilities, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation thereof.
- (67) **“User”** means any person who contributes, causes or permits the contribution of wastewater to the POTW.
- (68) **“Volatile organic matter”** means the material in the sewage solids transformed to gases or vapors when heated at 550 degrees Centigrade for fifteen to twenty minutes.
- (69) **“Wastewater” or “sewage”** means the liquid and water-carried industrial or domestic waste from any dwellings, commercial buildings, industrial facilities and institutions, together with any ground water, surface water and storm water that may be present, whether treated or untreated, which is contributed into, or permitted to enter, the POTW.
- (70) **“Wastewater treatment system”** means all treatment facilities, sanitary sewers (i.e. lateral, trunk or interceptor), lift stations, force mains, laboratory and office facilities, and all other appurtenances used to treat or convey wastewater.
- (71) **“Watercourse”** means a channel in which a flow of water occurs either continuously or intermittently.
- (72) **“WPCC”** means the Willoughby-Eastlake Water Pollution Control Center.

925.03 MANDATORY CONNECTIONS TO SANITARY SEWERAGE SYSTEM.

(a) No person, firm or corporation which is to be serviced by the Willoughby-Eastlake wastewater collection and treatment systems shall fail, refuse or neglect to connect any structure within the City to the POTW sanitary sewerage collection system available for service to the lot or parcel on which such structure is located or situated, within a period of ninety days from the receipt of notice from the Director of Public Service to such person, firm or corporation ordering such connections.

(b) No sewer permit shall be issued to any new connection to the treatment works unless there is capacity in all downstream sewer, lift stations, force mains and the treatment plant itself, including capacity for flow, C.B.O.D., C.O.D. and suspended solids.

(c) No sewer permits shall be issued nor plans for sewers approved, which sewers are to be connected to the City’s sanitary sewer system, unless such sewers are properly designed and constructed. Minimum criteria for the design and construction of sanitary sewer facilities shall be the standards established by the Ohio Environmental Protection Agency and such other standards as may be established and promulgated from time to time by the city Engineer.

925.04 SURFACE UNPOLLUTED WATER CONNECTIONS PROHIBITED IN SANITARY SEWERS; SEWERAGE IN STORM SEWERS.

(a) No person shall make connection of roof downspouts, storm water sump pumps, exterior foundation drains, areaway drains or other sources of surface run-off or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(b) No user shall discharge, or cause to be discharged, any storm water, surface water, ground water, roof run-off, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

(c) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Director and OEPA. Industrial cooling water or unpolluted process waters shall not be discharged, without the approval of the Director and OEPA, to a storm sewer or natural outlet.

(d) No person shall discharge or cause to be discharged any pollutant, garbage, oil, sewage, grease, gasoline, waste, animal excrement, or any other substance, with the exception of water, into any storm sewer, drainage ditch or natural waterway, unless permitted by the State of Federal government through a valid permit or license.

925.05 DISCHARGE PROHIBITIONS AND LIMITATIONS.

(a) **Prohibited Substance.** No user shall contribute or cause to be contributed, directly or indirectly, any pollutants which by nature or concentration will pass through or cause interference. A user shall not contribute any of the following described substances into any sanitary or storm sewer.

- (1) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to wastestreams with a closed cup flashpoint of less than 140° F. or 60° C. using the test method specified in 40 CFR 261.21
- (2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the POTW such as, but not limited to: grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes cinders, sand, spent lime, stone or marble, dust, metal, glass, straw, shavings, grass clippings, rages, spent grains, spent hops, waste paper, wood, plastic, gas, tar, asphalt, residues, residues from refining or processing of fuel or lubricating oil, mud, or glass-grinding or polishing wastes.
- (3) Any wastewater having a pH less than 5.5 or higher than 10.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the system.
- (4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or create a hazard in the receiving water of the sewage system.
- (5) Any noxious or malodorous liquids, gases or solids, which either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or may be sufficient to prevent entry into a sewer for its maintenance and repair, or result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (6) Any substance which may cause the POTW's effluent or treatment residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
- (7) Any substance which will cause the POTW to violate its NPDES or other

- disposal system permits.
- (8) Any substance with objectionable color not removed in the treatment process such as, but not limited to, dye wastes and vegetable tanning solutions.
 - (9) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference; but in no case, wastewater with a temperature at the introduction into the POTW which exceeds 40° C. (104° F.).
 - (10) Any slug load, which means any pollutant, released in a single extraordinary discharge episode of such volume or strength as to cause interference to the POTW.
 - (11) Any unpolluted water including, but not limited to, noncontract cooling water.
 - (12) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as exceed limits established by the POTW or OEPA in compliance with applicable State or Federal regulations.
 - (13) Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause interference at the POTW.
 - (14) Any waters or wastes containing strong acid wastes or concentrated plating solutions, unless pretreated.
 - (15) Abnormal concentrations of inert suspended solids, such as, but not limited to, Fullers earth, lime slurries and lime residue, or of inert dissolved solids, such as, but not limited to, sodium chloride, calcium chloride and sodium sulfate from ion exchange softeners.
- (b) **Limitation of Wastewater Strength.**
- (1) National Categorical Pretreatment Standards. Upon the promulgation of Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal standard, if more stringent than limitations imposed under this Chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this Chapter. The POTW shall notify all affected users of the applicable reporting requirements under 40 CFR, 403.12. State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this Chapter.
 - (2) New Source Pollution Control Equipment Start-Up. New sources shall install and have in operating condition, and shall start up all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time, not to exceed ninety day, new sources must meet all applicable pretreatment standards.
 - (3) State and Federal Requirements. State and Federal requirements and limitations on discharges to the POTW shall be met by all dischargers which are subject to such standards in any instance in which they are more stringent than the city requirements and limitations in this or any other applicable Chapter.
 - (4) Dilution. No user shall increase the use of potable or process water in any way, nor mix separate waste streams, for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this Chapter or with any applicable categorical pretreatment standards.
 - (5) Supplementary Limitations. No user shall discharge wastewater containing

concentrations of the following enumerated materials exceeding the following values except as otherwise indicated:

<u>Material</u>	<u>Limitation (mg/l)</u>
Aluminum	15
Ammonia (N)	50
Arsenic	100 ug/l
Cadmium	5.0
Chlorine requirement (defined as the amounts of chlorine in mg/l which shall be added to produce as residual of 0.1 mg/l/ after a contact period of fifteen minutes)	3.0
Chlorine residual	1.0
Chromium (total)	7.5
Chromium (hexavalent)	1.7
Copper (Cu)	1.7
Cyanide	100 ug/l
Iron	15
Lead	4.6
Mercury	0.3 ug/l and BMPs
Nickel	4.0
Phenols	0.5
Selenium	16.0
Silver	0.48
Zinc	7.5

- (6) Special Agreements. No statement contained in this subsection (b) shall be interpreted as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the POTW for treatment. In all such cases, the provisions set forth in Chapter 913 which is incorporated herein by reference establishing user charges will be the governing factors in any contract entered into.
- (c) The Director may develop Best Management Practices (BMP's) by ordinance or in individual wastewater discharge permits to implement local limits and the requirements of Section 925.05.
 - (1) Best Management Practices (BMP's) are hereby defined as an enforceable limit. No discharges shall fail to comply with the BMP requirements in their wastewater discharge permit as issued in accordance with Section 925.07.
- (d) Accidental Discharges.
 - (1) Each discharger shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this Chapter. Where necessary, facilities to prevent accidental discharge of prohibited material shall be provided and maintained at the discharger's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Director of Public Service for review and acceptance before construction of the facility. Review and acceptance of such plans and operating procedures shall not relieve the discharger from the responsibility to modify its facility, as necessary, to meet the requirements herein.
 - (2) Dischargers shall notify the POTW immediately upon the occurrence of a

slug load, or accidental discharge of substances prohibited by this Chapter. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume and corrective actions. Any user who discharges a slug load shall be liable for any expense, loss or damage to the POTW, in addition to any penalties set forth hereinafter.

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

925.06 FEES.

(a) **Sewage Surcharge.** A sewage surcharge shall be fixed by the City and levied for any person, firm or corporation whose premises are served by a sanitary sewer connection and discharges wastes other than normal sewage into the sewerage system.

- (1) **Surcharge Formulas.** Surcharges shall be based on the applicable constituent of the wastewater as follows:
- A. Total suspended solids; and/or
 - B. C.B.O.D., five days at 20° Centigrade; and/or
 - C. C.O.D.; and/or
 - D. Phosphorus; and/or
 - E. Oil and grease.

(b) No user shall contribute or cause to be contributed, directly or indirectly, any pollutants which by nature or concentration will pass through or cause interference. A user shall not contribute any of the following described substances into any sanitary or storm sewer.

SC	=	((SS-225) x F x 8.34 x CS) + ((CBOD-185 x F x 8.34 x CB) = F x 8.34 x ((SS-225) x CS = (CBOD-185) x CB)
SC	=	Surcharge based on average daily flows.
SS	=	Total suspended solids in wastes as discharges in mg/l.
225	=	Suspended solids concentrations in normal sewage in mg/l.
F	=	Flow in millions of gallons per day of wastes as discharged.
CS	=	Cost to treat one pound of suspended solids in cents per pound. Total operating cost attributable to total pounds of suspended solids/total pounds of suspended solids removed.
CBOD	=	Total C.B.O.D. in wastes as discharged in mg/l.
185	=	C.B.O.D. concentration in normal sewage in mg/l.
CB	=	Cost to treat one pound of C.B.O.D. in cents per pound. Total operating cost attributable to C.B.O.D./total pounds of C.B.O.D. removed.

OR

- SC = $((SS-225) \times F \times 8.34 \times CS) = ((COD-250) \times F \times 8.34 \times CC) = F \times 8.34 \times ((SS-225) \times CS + (COD-250) \times CC)$
- COD = Total C.O.D. in wastes as discharged in mg/l.
- 250 = C.O.D. concentration in normal sewage in mg/l.
- CC = Cost to treat one pound of C.O.D. in cents per pound. Total operating cost attributable to C.O.D./total pounds of C.O.D. removed.

OR

- SC = $(P-8) \times F \times 8.34 \times CP.$
- P = Total phosphorus in wastes as discharged in mg/l.
- 8 = Total Phosphorus concentration in normal sewage in mg/l.
- CP = Cost to treat one pound of phosphorus in cents per pound. Total operating cost attributable to phosphorus/total pounds of phosphorus removed.

OR

- SC = $(OG-80) \times F \times 8.34 \times COG.$
- OG = Total oil and grease in wastes as discharges in mg/l.
- 80 = Total oil and grease concentration in normal sewage in mg/l.
- COG = Cost to remove one pound of oil and grease in cents per pound. Total operating cost attributable to oil and grease/total pounds of oil and grease removed.

- (2) Use of C.B.O.D. and C.O.D. Analyses. Whenever a waste cannot be analyzed by a C.B.O.D. test the C.O.D. result shall prevail in calculating a surcharge. Whenever both testing methods are possible, the POTW shall determine which analysis shall apply in computing the surcharge based on which will provide the higher surcharge.
- (3) Annual Review of Strength Surcharge. On or before March 1st of each year the strength surcharge for the POTW for the previous year will be reviewed. The cost to treat the C.B.O.D., C.O.D., oil and grease, suspended solids and phosphorus shall be based on the total operating cost of the sewer works. Increases or decreases in the cost of treating and disposing of excess amount of C.B.O.D., C.O.D., oil and grease suspended solids and phosphorus shall be reflected on a proportionate basis in the strength surcharge on the basis of cost per pound.

(c) When the total suspended solids, CBOD, COD, phosphorus and/or oil and grease of a water or waste accepted for admission to the system exceeds the values of their constituents for normal sewage, the excess concentration in any or all, as the case may be, shall be subject to a surcharge as follows:

- (1) Pounds of excess Suspended Solids per day x \$0.25 per lb. = Suspended Solids Surcharge.
- (2) Pounds of excess CBOD per day x \$0.46 per lb. = CBOD Surcharge.
- (3) Pounds of excess COD per day x \$0.39 per lb. = COD Surcharge.
- (4) Pounds of excess Phosphorus per day x \$0.58 per lb. = Phosphorus Surcharge.
- (5) Pounds of excess Oil and Grease per day x \$0.25 per lb. + Oil and Grease Surcharge.

In addition to the above surcharges, the City shall have the right to surcharge any user for the discharge of any other pollutant into the sewerage system.

925.07 ADMINISTRATION.

For the purposes provided for in Chapter 925, there is hereby levied a fee to be paid by every user required to obtain a wastewater discharge permit to discharge into the sanitary sewer system as set forth below. Such fees shall be payable upon the application for and/or the renewal of the permit.

•	Insignificant User	\$ 75.00
••	Minor Significant User	100.00
•••	Major Significant, Non-Categorical User	150.00
••••	Major Significant, Categorical User	200.00

(a) **Wastewater Discharges.** It shall be unlawful to discharge sewage, industrial wastes, or other wastes to any sewer within the jurisdiction of the City or to the POTW without a permit issued by the Director of Public Service.

(b) **Wastewater Discharge Permits.**

(1) **General User Permits.** All industrial and commercial users proposing to discharge sewage, industrial wastes and other wastes to the POTW shall complete a wastewater discharge permit application.

A. **Permit Application.** All industrial and commercial users shall complete and file with the POTW a permit application therefore in the form prescribed by the Director and accompanied by the appropriate fee. No discharge permit shall be issued unless and until the following conditions have been met:

1. Disclosure of name, address and location of the user, and signature of a responsible corporate officer or an authorized representative of that individual or organization which signatures will also be expected on all required reporting.
2. Disclosure of all applicable Standard Industrial classifications (SIC) numbers(s) according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
3. Disclosure of potential wastewater constituents and characteristics including, but not limited to, those mentioned in this Chapter. Sampling and analysis shall be performed in accordance with procedures established by the U.S. EPA and contained in 40 CFR, Part 136 as amended, and disclosure of time and duration of discharge and average daily flow rates.
4. Disclosure of site plans, floor plans, mechanical and plumbing

plans, and details to show all sewers, sewer connection, inspection manholes, sampling chambers and appurtenances by size, location and elevations.

5. Description of activities, facilities and plant processes on the premises including all materials which are or may be discharged to the sewers or works of the City; disclosure of nature and concentration of any pollutants or material prohibited by this Chapter in the discharge, together with a statement regarding whether or not compliance is being achieved with this Chapter on a consistent basis, and, if not, whether additional operation and maintenance activities or additional pretreatment is required for the user to comply with this Chapter.
6. Where additional pretreatment or operation and maintenance activities will be required to comply with this Chapter, the user shall provide a declaration of the shortest schedule by which the user will provide such additional pretreatment or implementation or additional operational and maintenance activities. The schedule shall contain dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to comply with the requirements of this Chapter, including, but not limited to dates relating to hiring of personnel, completing preliminary and final plans, executing contracts, commencing construction, completing construction, and all other acts necessary to achieve compliance. Under no circumstances will the Director permit a time increment for any single step directed toward compliance which exceeds nine months. Not later than fourteen days following each date in the schedule, and the final date for compliance, the user shall submit a progress report to the POTW, including no less than an increment of progress represented by that date, and if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the approved schedule. In no event shall more than nine months elapse between such progress reports to the POTW.
7. Disclosure of the type and amount of raw materials utilized, each product produced by type, amount, process and rate of production. The Director will evaluate the complete application and data furnished by the user and may require any additional information. Within thirty days after full evaluation and acceptance of the data furnished, the Director shall issue a wastewater discharge permit subject to terms and conditions provided herein.

(2) Building Owner and Multiple-User Permits.

- A. All owners of industrial and commercial buildings proposing to discharge sewage, industrial wastes and other wastes to the POTW shall complete a wastewater discharge permit application.
- B. In those instances wherein multiple users are present, the owner and/or lessor of the property shall also be the industrial user and/or commercial user for all purposes contained in this Chapter

irrespective of whether or not such owner and/or lessor is located in the multi-unit building. Prior to any discharge occurring, the owner and/or lessor of any multiple-user site shall obtain a discharge permit.

C. Permit Application. Owners, lessors and/or users shall complete, as defined herein, and file with the POTW a permit application in the form prescribed by the Director and accompanied by the appropriate fee. No discharge permit shall be issued unless the following conditions have been met:

1. Disclosure of name, address and location of the user, and signature of a responsible corporate officer or an authorized representative of that individual or organization which signature will also be expected on all required reporting;
2. Disclosure of names and addresses of each occupant in each building or multi-unit building and such other information as may be required from time to time by the POTW and any change in occupancy shall be immediately reported to the POTW. Such information shall be occupant's charge.
3. Disclosure of site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, floor drains, inspection manholes, sampling chambers and appurtenances by size, location and elevations.
4. All users within any multi-unit building are required to obtain a wastewater discharge permit as prescribed in this Chapter.
5. In the event that a discharge occurs from any of the occupants and/or tenants of the multi-unit building, such discharge may be considered for all purposes herein as being the discharge of the owner, lessor, tenant, and/or occupant and, as such, the owner, lessor, tenant and/or occupant shall be subject to the same rights and penalties as contained in this Chapter.

(3) Permit Modifications. The Director reserves the right to amend any wastewater discharge permit issued hereunder in order to assure compliance by the user with applicable laws and regulations. Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of each user subject to such standards shall be revised to require compliance with such standards within the time frame prescribed by such standards. All national categorical pretreatment standards adopted after the promulgation of this Chapter shall be adopted by the City as part of this Chapter. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required herein, the user shall apply for a wastewater discharge permit from the POTW within 180 days after the promulgation of the applicable national categorical pretreatment standard by the U.S. EPA. In addition, the discharger with an existing wastewater discharge permit shall submit to the POTW within 180 days after the promulgation of an applicable national categorical standard, the information required herein. The user shall be informed of any proposed changes in his permit at least thirty days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for the information required, including compliance dates.

- (4) Permit Conditions. Wastewater discharge permits shall be expressly subject to all provisions of this Chapter, and all other applicable regulations, user charges and fees established by the City. Permits may contain the following:
- A. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a sanitary sewer;
 - B. Limits on the minimum and maximum wastewater constituents and characteristics, including Best Management Practices, based on applicable pretreatment standards;
 - C. Limits on average and maximum wastewater discharge or requirements for flow regulations and equalization;
 - D. Requirements for installation and maintenance of inspection and sampling facilities;
 - E. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule and BMP's;
 - F. Compliance schedules;
 - G. Requirements for submission of technical reports or discharge reports;
 - H. Requirements for maintaining and retaining plant records relating to wastewater discharge specified by the Director, and affording the Director access thereto;
 - I. Requirements for notification to the POTW of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
 - J. Requirements to control slug discharges; if determined by the Director to be necessary;
 - K. Other conditions as deemed appropriate by the Director to ensure compliance with this Chapter.
 - L. BMP Compliance Documentation.
 - 1. Dischargers subject to a BMP shall develop a BMP plan and submit it to the City for review and approval as specified in their wastewater discharge permit. The objective of this plan shall be to identify pollution prevention and wastewater reduction opportunities and to implement those opportunities that are technically and economically feasible.
 - 2. Any discharger subject to a BMP may be required to self monitor their flow and analyze its characteristics as specified in their wastewater discharge permit. Costs for the monitoring and analyses shall be borne by the discharger. The City may exercise the right to require monitoring or analysis on an individual basis if the City becomes aware of increases in certain waste loadings.
 - 3. Any discharger subject to a BMP shall submit to the City at the time of their permit renewal, unless required more frequently by the City, an annual report documenting compliance with the BMP plan as specified in their wastewater discharge permit. Costs for the monitoring and analysis (if any), and reporting shall be borne by the discharger.
5. Permit Duration. Wastewater discharge permits shall be issued for one

year. A permit may be issued for a period less than one year, or may be stated to expire on a specific date. The user shall apply for permit reissuance prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Director during the term of the permit as limitations or requirements.

6. Permit Transfer. Wastewater discharge permits are issued to a specified user for a specific operation and location, and are not assignable to another user or location without the prior written approval of the Director.

(c) **Reporting Requirements for Permittee.**

- (1) Baseline Monitoring Report (BMR). New sources and existing sources that become industrial users subsequent to the promulgation of an applicable categorical standard shall submit a baseline monitoring report at least ninety days prior to commencement of the facility's discharge to the POTW. These reports are to include:
 - A. A list of environmental control permits held by the user;
 - B. A description of the user's operations, information on flow and amount of regulated pollutants discharged to the POTW; and
 - C. A certificate of whether the user is currently in compliance with the applicable categorical standard(s). For new sources, the user may provide estimates for the information of production, flow, and the presence and quantity of regulated pollutants in its wastestream.
 - D. Where the categorical standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the Director or the applicable pretreatment standard necessary to determine compliance status with the standard.
- (2) Compliance Date Report. Within ninety days following the date for final compliance by the user with applicable pretreatment standards set forth in this Chapter, any user subject to this Chapter shall submit to the POTW a report indicating the nature and concentration of all prohibited or regulated substances contained in its discharge, and the average and maximum daily flow in gallons. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operating and maintenance or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the user, and certified to by a professional. For users subject to equivalent mass or concentration limits, the ninety day compliance report must include a reasonable measure of the user's long-term production rate.
- (3) Periodic Compliance Reports. All industrial users shall submit periodic compliance reports indicating the nature and concentration of pollutants in their discharge. The frequency of monitoring and reporting shall be as prescribed in the industrial user's wastewater discharge permit. Results of sampling above the minimum required shall also be reported if analyses were conducted according to methodology herein. These reports shall be certified and signed by an authorized representative of the discharger. In cases where the pretreatment standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation required by the Director or the pretreatment standard necessary to determine the compliance status of the user.

(d) **Monitoring Facilities.**

(1) **Construction of Sampling Manhole.** When required by the Director, the owner or operator of any property served by a sewer or sewers shall install a suitable manhole or manholes together with such necessary meters and other appurtenances in the sewer(s) to facilitate inspection, sampling and flow measurement of each sewer's discharge from such premises. Such manholes, when required shall be accessible and safely located. The manhole shall be installed by the owner or user at his expense, and shall be maintained by him so as to be safe and accessible at all times. Such manhole shall be provided by the owner within forty-five days after it has been required, and shall be constructed and designed as provided in accordance with plans approved by the Director.

(2) **Monitoring Equipment.**

A. When required by the Director, the owner or users of any premises or facility discharging industrial wastes into the system shall install, at his own cost and expense, suitable monitoring equipment to facilitate the accurate observation, sampling and measurement of wastes. Such equipment shall be maintained in proper order and kept safe and accessible at all times.

B. The monitoring equipment shall be located and maintained on the user's premises outside of the building. When such a location would be impractical or cause undue hardship on the user, the director may allow such facility to be constructed in the public street or sidewalk area, with the approval of the public agency having jurisdiction over such street or sidewalk, and located so that it will not be obstructed by landscaping or parked vehicles.

C. When more than one user can discharge into a common sewer, the Director may require installation of separate monitoring equipment for each user. When there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the Director may require that separate monitoring facilities be installed for each separate discharge.

D. Whether construction on public or private property, the monitoring facilities shall be constructed in accordance with the Director's requirements and all applicable construction standards and specifications.

(e) **Inspection and Sampling.**

(1) **Access for Inspection.** The Director shall inspect the facilities of any user to ascertain whether the purposes of this Chapter are being met, and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Director ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling or records examination and copying, or in performance of any of their duties to determine compliance with the requirements of this Chapter. The Director or the EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.

(2) **Periodic Determination of Wastewater Strength.** The strength of any water or wastes shall be determined monthly or quarterly in accordance with

current billing procedure from samples taken at the manhole described herein, or at any period of time and in such manner as the Director may elect.

- (3) Sampling Procedures. All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this Chapter shall be determined at the control manhole provided. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Compliance determinations with respect to the prohibitions and limitations stated in this Chapter shall be made as determined by the Director or as stated in the wastewater discharge permit.
- (4) Sample Collection. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.
 - A. Except as indicated in Paragraph B and C below, the user must collect wastewater samples using a 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Superintendent. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.
 - B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides and volatile organic compounds must be obtained using grab collection techniques.
 - C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 925.07(c)(1) a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical data are available, the Superintendent may authorize a lower minimum. For the reports required by paragraphs in Section 925.07(c)(2), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance by with applicable pretreatment standards and requirements.
- (5) Cost of Sampling Operations. The cost of sampling contemplated herein, shall be charged to the industry, user, or owner as the Director shall determine. However, the City shall look to the owner of the property for any amount which remains unpaid and which may be placed on the property as a lien to be collected in the same manner as other taxes.

Normal operation of gauging and sampling of any manhole or any other point of discharge shall be the time required, as determined by the Director, to obtain representative samples of the effluent discharged. Cost shall be based on an hourly rate for the person sampling and any other cost that might be necessary to procure a representative sample.

A. Cost of Analytical Work Performed. All costs for analytical test which are performed by the POTW or any other testing facility at the POTW's discretion, and performed for an industry because of its discharge to a public sewer and to determine compliance, shall be borne by the owner or user being tested.

B. Cost of Installation Involving Overtime. Where an industrial or commercial user discharges its effluent to a manhole or manholes, used as gauging and sampling points, and the effluent is of such volume and duration that installation of hydraulic equipment cannot be made until the user ceases its operation, by closedown, the costs of making the installation, involving overtime pay, shall be at the expense of the owner or user. If the plant or premises elects to make the hydraulic installations with their own personnel, the installation shall be set up in a manner approved by the Director. In the event that a period in excess of a standard five-day, forty-hour week is required for City personnel to properly gauge, sample and analyze the discharged effluent, the extra costs shall be at the expense of the owner or user.

(6) Laboratory Testing Methods. All measurements and analyses of the characteristics of water and wastes shall be made in conformance with the EPA-approved methodology of 40 CFR 136.

(7) Sampling by Industrial Users. If sampling performed by an industrial user indicates a violation the user shall notify the POTW within twenty-four hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the POTW within thirty days after becoming aware of the violation.

(8) Supplemental Report Requirement for Industrial Users. If an industrial user subject to reporting requirements monitors any pollutant more frequently than required by the Director using the procedures prescribed herein, the results of this monitoring shall be included in the report.

(f) Wastewater Metering Requirements. If water from wells, streams, reservoirs or other means are used instead of, or in addition to, water from the municipal water distribution system, properly installed and maintained waste metering devices shall be installed and operated by the user. The cost and installation of such waste metering in the sanitary sewer outlet of the premises shall be at the owner's or user's expense. Only waste meters approved and inspected by the Director shall be permissible.

(g) Conflict of Laboratory Results. In the event that analysis of wastes, determined by the sampling and gauging of wastes from an industry or user by the City personnel, does not agree with an analysis of wastes from the industry or user, submitted by them to the POTW, a program of resampling and regauging, with subsequent chemical determination may be instituted as follows:

- (1) The industry or user interested shall submit a request for resampling and regauging, and subsequent chemical determinations of the wastes.
- (2) The chemist or engineer employed by the industry or user responsible for the analysis submitted to the POTW shall confer with the Director. They shall first agree as to the length of the rerun and to the mediums to be

employed to determine the flow and to sample the flows.

- (3) The chemist or engineer engaged by the industry or user may be present during the resampling and regauging operation, and also in the POTW laboratory during the chemical determination of the analysis.
- (4) The results of the analysis, determined from the quantity and quality of the flow, shall be considered the analysis of the wastes discharged to the POTW, or to a watercourse, by the industry or user and the sewerage surcharge or penalties shall be determined from the strength of the wastes as reported in the analysis.
- (5) In the event an analysis of wastes, determined from the routinely scheduled sampling and gauging of wastes from an industry or user is not considered representative because of breakdown or manufacturing processes, or of treatment or pretreatment facilities during the operation, and such breakdown, or conditions are accepted by the Director as legitimate reasons, the industry or user can request resampling or regauging of the wastes after the breakdowns are remedied. However, the industry or user shall agree to bear all costs of the resampling and regauging operation, plus the costs of analytical determinations. In such cases, the Director shall schedule the operation as soon as possible, but not to interfere with the rescheduled operations. All analytical results so sound shall be current and no retroactive refunds shall be made for any differential in concentration established.
- (6) It shall be assumed by the Director that any industry or users that has treatment or pretreatment facilities and any routinely scheduled sampling and gauging operations conducted at any time shall be considered representative. If in the course of several routinely scheduled sample and gauging operations the industry or user claims that the results of such sampling and gauging are not representative because of breakdown or other interruption of the treatment or pretreatment facilities, then the Director shall assume that such facilities are, in fact not being properly maintained and the results of the sampling and gauging operations shall be used for purposes of determining the sewerage surcharge or penalty, fully at the discretion of the Director, until such time as another routinely-scheduled sampling and gauging operation shall be conducted.

(h) **Metering and Gauging Equipment Approval.** All metering and gauging equipment shall be approved by the Director. Equipment shall be approved by the Director. Equipment must be that currently used by the City, or its equivalent.

925.08 RECORDS.

(a) **Retention.** All users subject to this Chapter shall retain and preserve for not less than three years, any records, books, documents, memoranda, reports, correspondence, and documentation associated with Best Management Practices, and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by, or on behalf of, a user in connection with its discharge. All records which pertain to matters which are the subject of administrative adjustment or any other enforcement or litigation activities brought by the City pursuant hereto, shall be retained and preserved by the user until all enforcement activities have been concluded and all periods of limitation with respect to any and all appeals have expired.

(b) **Confidential Information.**

- (1) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections

shall be available to the public or other governmental agency without restriction unless the user specifically requests, and is able to demonstrate to the satisfaction of the City, or governmental agency, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

- (2) When requested by the person furnishing a report, the portions of a report which might disclose trade secret processes shall not be made available for inspection by the public, but shall be made available, upon written request, to governmental agencies for uses related to this Chapter, the NPDES permit, State disposal system permit or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the individual furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the City as confidential shall not be transmitted to any governmental agency or to the general public by the City until, and unless, a ten-day notification is given to the user.

925.09 FALSIFYING INFORMATION.

No person, industry or user shall knowingly make a false statement, representation or certification in any application, record, report, plan or other document filed, or required to be maintained, pursuant to this Chapter, or falsify, tamper with, or knowingly render inaccurate, any monitoring device or method required under this Chapter.

925.10 FAILURE TO REPORT ACCIDENTAL DISCHARGES.

A user shall notify the POTW of an accidental discharge of a prohibited waste material within one hour of such discharge into a sewer or waterway. Any damage to the sewerage system or wastewater treatment plant caused by an accidental discharge shall be the liability of the originator of the discharge.

925.11 PRETREATMENT.

(a) **Requirements.** Users shall provide necessary wastewater treatment as required to comply with this Chapter, and shall achieve compliance with all national categorical pretreatment standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the POTW shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Director of Public Service for review, and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility, as necessary, to produce an effluent acceptable to the Director under the provisions of this Chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to, the Director prior to the user's initiation of the changes.

(b) **Compliance Schedules.** When in the opinion of the Director, it becomes necessary for industrial users to install technology or provide additional operation and maintenance (O and M) to meet any condition of this Chapter or applicable administrative order, the Director shall require the development of the shortest schedule by which the industrial user will provide this additional technology or O and M.

- (1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events. Under no circumstances shall any increment exceed nine months.
- (2) Not later than fourteen days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the

Director including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken to return to the schedule established.

(c) **Acceptance of Pretreatment Plans.** Plan, specifications and any other pertinent information relating to treatment or pretreatment facilities, holding tanks, control or neutralization equipment, or other activities to be utilized in the treatment or control of waters and wastes, shall be submitted for acceptance by the POTW, and no construction of such facilities shall be commenced until such acceptance is obtained in writing. All plans shall be subject to the requirements of all applicable codes, ordinances and laws.

(d) **Required Operation of Pretreatment Facilities.** Where such facilities are provided for treatment, pretreatment, control or neutralization of waters or waste, they shall be maintained continuously in satisfactory and effective operation by the owner or user at his expense, and shall be subject to inspection by the Director every six to twelve months, or more often if deemed necessary by the Director and established in Chapter 913 which are incorporated herein by reference, or amended from time to time. The user shall maintain operating records and shall submit to the POTW a monthly report of the character of the effluent and effluent as may be prescribed by the Director to show performance of the treatment facilities.

- (1) A bypass of the treatment system is prohibited unless all of the following conditions are met:
 - A. The bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
 - B. There is no feasible alternative to the bypass, including the use of auxiliary treatment of the wastewater; and
 - C. The industrial user properly notified and obtained the approval of the Director, or a bona fide emergency occurs and the user is unable to contact the Director.
- (2) Industrial users shall provide immediate notice to the Director upon discovery of a bypass.
- (3) The Director may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, if it is for essential maintenance to ensure efficient operation of the user's treatment system. Industrial users anticipating a bypass shall submit notice to and obtain the approval of the Director at least ten days in advance of such bypass.
- (4) A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause, the duration of the bypass (including exact dates and times and, if the bypass has not been corrected, the anticipated time it is expected to continue), and the steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four hours.

925.12 OPERATION OF PRIVATE TREATMENT FACILITIES.

Acceptance by the Director of Public Service of existing facilities does not, in any way guarantee that these facilities will function in the manner described by the user; nor shall it relieve any user of the responsibility of revamping, enlarging, or otherwise modifying such facilities to accomplish the intended purpose.

925.13 INTENTIONAL DISCHARGE OF A PROHIBITED WASTE.

No person or user shall knowingly discharge a prohibited waste or quantity of waste to the sewer system from a pretreatment facility. Each such discharge shall be considered to be a separate offense.

925.14 OPERATING UPSETS; REPORT.

(a) Any user who experiences an upset in operations which places the user in a temporary state of noncompliance with this Chapter or a wastewater discharge permit issued pursuant hereto shall inform the POTW thereof within twenty-four hours of first awareness of the commencement of the upset. Where such information is given orally, a written follow-up report thereof shall be filed by the user with the POTW within five days. The report shall specify:

- (1) A description of the upset, the cause thereof, and the upset's impact on a user's compliance status;
- (2) The duration of noncompliance, including exact dates and times of noncompliance and if the noncompliance continues, the time by which compliance is reasonably expected to be restored;
- (3) All steps taken, or to be taken, to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.

925.15 INTERCEPTORS AND TRAPS.

Grease, oil and sand interceptors or traps shall be provided where, in the opinion of the Director of Public Service, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful materials. All interceptors and traps shall be of a type, capacity and design approved by the Director, and shall be located so as to be readily and easily accessible for cleaning and inspection. Where installed, all grease, oil and sand interceptors or traps shall be maintained by the user, at his expense, in continuously effective operation at all time.

925.16 CHANGE IN WASTE CHARACTERISTICS.

All industrial users are required to promptly notify the POTW, in advance, of any substantial change in volume of character of pollutants in the user's discharge to the POTW.

925.17 WPCC APPEAL BOARD.

(a) **Appointment and Term.** A WPCC Appeal Board shall be appointed to hear appeals from any decisions or actions taken on matters concerning interpretation and execution of the provisions of this Chapter. The Board shall consist of the Mayors of the Cities of Willoughby Hills, Eastlake and Willoughby (or their designates).

(b) **Required Quorum.** At no time shall a hearing of the Board be held unless there are three members present, this number constituting a quorum. A meeting shall be held at the request of the Chairman of the Board, whenever the need calls for it.

(c) **Right to Appeal.** Within ten days following any order pertaining to any provision of this Chapter, an appeal may be filed in writing with the Board. In the event that such an appeal is filed, the Board shall hear such appeal within thirty days from and after its date of filing with the Board. Upon hearing, the Board may affirm, disaffirm or modify the order.

(d) **Time and Place of Hearing.** Upon receipt of a timely appeal from any order, the Board shall set a time and place to hear such appeal, and shall notify the appellant, the appellee and their respective counsel, if known, thereof.

(e) **Amendment to Orders.** The appellee may amend any such order at any time prior to hearing of the appeal, and the appellee shall serve copies of the amended order upon the appellant and his counsel, if known.

925.18 ANNUAL PUBLICATION.

All industrial users are required to promptly notify the POTW, in advance, of any substantial change in volume or character of pollutants in the user's discharge to the POTW. For the purposes of this provision, an industrial user is in significant noncompliance if its violation meets the criteria of Section 925.18(c)(d) and (h). A significant industrial user is in significant noncompliance if its violation meets any of the following criteria:

- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter including instantaneous limits;
- (b) Technical review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken at any permitted monitoring point during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, 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, instantaneous limit, or narrative standard) that the Director determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health or 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 of emergency authority to halt or prevent such a discharge;
- (e) Failure to meet, within ninety days after the schedule date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction or attaining final compliance;
- (f) Failure to provide, within forty-five days after the due date, required reports such as Baseline Monitoring Reports, ninety days compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules or any other reports required by the Director.
- (g) Failure to accurately report noncompliance; or
- (h) Any other violation or group of violations including a violation of BMP's, which the Director determines will or has adversely affected the operation or implementation of the POTW's pretreatment program.

925.19 PHOTOGRAPHIC AND VISUAL INSPECTIONS.

(a) The City Engineer is hereby directed, prior to final approval of any newly-installed sewer system or reconstructed sewer, to require that any and all contractors or developers provide photographs of the entire sewer system, excluding lateral connections, installed showing thereby that: the sewer system has been constructed upon a sound engineering basis, it is free of any and all accumulations of foreign substances, is of sound workmanship, and that the passage of, and flow of, sanitary sewerage is free and clear. If, in the discretion of the City Engineer, the sewers are large enough for a visual inspection to be made, in lieu of photographs, such a visual inspection shall be made and a report of such inspection submitted to the Director of Public Service as a permanent record.

(b) The City Engineer, upon inspection of such photographs or visual inspection reports, if satisfied that: such sewer is free and clear of all foreign substances, is of sound workmanship, and that there is nothing present to prevent free flow of sewage is hereby authorized to approve the same as a final inspection; placing in safekeeping all photographs or inspection reports for future reference by the City.

(c) The cost of such photographing, photographs or inspection reports shall be paid for entirely by the contractor or developer of such land or sewer system, and such photographs or inspection reports shall remain the property of the City.

(d) The Director is hereby authorized to engage the services of any person, firm or corporation specializing in the televising or photographic inspection of underground sewers whenever, during or immediately after emergencies or storm flooding situations, if in their opinion it is necessary to have any critical areas of the sanitary and/or storm sewer systems of the City inspected.

925.20 WILLOUGHBY SANITARY SEWERAGE DISTRICT NO. F-1.

Pursuant to Ohio R.C. 727.44, a district is hereby established to be known as the Willoughby Sanitary Sewerage District No. F-1, which is bounded and described as follows:

Beginning in the centerline of Lost Nation Road at a point where such centerline is intersected by the northerly line of land of Sunrise Development, Inc., as recorded in Volume 640, Page 72, Lake County Record of Deeds, which point is about 1,655.0 feet south of Hodgson Road;

Thence westerly along the northerly line of land of Sunrise Development, Inc., and along the corporation line between the cities of Willoughby and Eastlake about 2,655 feet to a point at a Southwest corner in the corporation line;

Thence northerly along such corporation line about 6,600 feet to a point about 250 feet south of the existing fifteen-inch trunk sanitary sewer;

Thence easterly a distance of about 700.0 feet to a point;

Thence southerly a distance of about 1,100.0 feet to a point;

Thence easterly by a line on the westerly projection of the southerly line of land of the Lost Nation North Company property a distance of about 2,090.0 feet to a point in the centerline of Lost Nation Road;

Thence southerly along the centerline of Lost Nation Road about 1,350.0 feet to a point 2,500 feet north of the centerline of Hodgson Road;

Thence easterly a distance of 500 feet to a point;

Thence southerly along a line 500 feet east of and parallel to the centerline of Lost Nation Road a distance of 2,200 feet to a point;

Thence easterly along a line 300 feet north of and parallel to the centerline of Hodgson Road, a distance of about 2,300 feet to a point in the corporation line between the cities of Mentor and Willoughby;

Thence southerly along such corporation line, a distance of about 300 feet to a point in the centerline of Hodgson Road;

Thence in a southwesterly direction, a distance of about 3,280 feet to the place of beginning as described by Colpetzer-Woods Consultants, Inc., Registered Engineers and Surveyors.

925.21 WILLOUGHBY STORM SEWER DISTRICT NO. F-1.

Pursuant to Ohio R.C. 727.44, a district is hereby established to be known as the Willoughby Storm Sewer District No. F-1, which is bounded and described as follows:

The following District F-1 area, situated in the City of Willoughby, the County of Lake, and the State of Ohio, and known as being a part of Lots NO. 6,7,8,9,10 and 11, Douglas Tract in the City, and is further bounded and described as follows:

Beginning in the northerly line of land of the Willo Shore Country Club as recorded in Volume 443, Page 632, Lake County Record of Deeds, at a point which is located 200 feet measured along the line from its intersection with the centerline of Lost Nation Road;

Thence westerly along the northerly line of land of the Willo Shore Country Club and along the corporation line between the cities of Willoughby and Eastlake to a point at a Southwest corner of the corporation line;

Thence northerly along the corporation line to a point about 1,350 feet south of the Two-Town Ditch;

Thence easterly to a point 200 feet west of the centerline of Lost Nation Road;

Thence southerly on a line parallel with the centerline of Lost Nation Road and 200 feet west therefrom to the place of beginning as described by Colpetzer-Woods Consultants, Inc., Registered Engineers and Surveyors.

925.22 HAULER PROHIBITIONS.

No hauler shall discharge any septic tank waster or other scavenger waste into any sanitary or storm sewer, manhole, catch basin or any appurtenances thereto, or into any natural watercourse.

925.23 ADMINISTRATIVE ENFORCEMENT REMEDIES.

(a) **Notification of Violation.** Whenever the Director of Public Service finds that any user has violated or is violating any provisions of this Chapter, or a wastewater permit, or order issued hereunder, the Director may serve upon such user written notice of the violation. Within ten days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Director.

(b) **Consent Orders.** The Director is hereby empowered to enter into consent orders, assurances of voluntary compliance or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified by the order. Consent order shall have the same force and effect as administrative orders issued.

(c) **Show Cause Hearing.** The Director may order any user which causes or contributes to any violation of this Chapter or wastewater permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at last ten days prior to the hearing. Such notice may be served on any principal executive, general partner, or corporate officer. Whether or not a duly-notified user appears as noticed, immediate enforcement action may be pursued.

(d) **Compliance Order.** When the Director finds that a user has violated or continues to violate this Chapter or a permit or order issued thereunder, he may issue an order to the user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

(e) **Cease and Desist Orders.** When the Director finds that a user has violated or continues to violate this Chapter or any permit or order issued hereunder, the Director may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

- (1) Comply forthwith;
- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(f) **Administrative Fines.** Any user who fails to comply with any provision of this Chapter or with any permit issued pursuant hereto shall be subject to an administrative fine as follows:

First violation in a six-month period	\$ 100.00 - \$ 250.00
Second violation in a six-month period	\$ 250.00 - \$ 500.00

All other violations in a six-month period

\$ 500.00 - \$1,000.00 per violation

Administrative fines are due and payable to the City within thirty days after written notice of same is issued by the Director. Such notice shall be delivered to the user personally or by certified mail, return receipt requested. Additional fines of not more than one thousand dollars (\$1,000) per violation may be assessed if ordered after a show cause hearing addresses the violations subjected to administrative fines. For the purposes of this Chapter, each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

(g) **Emergency Suspensions.**

- (1) The Director may suspend the wastewater treatment service or wastewater permit of a user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW or the environment.
- (2) Any user notified of a suspension of the wastewater treatment service or the wastewater permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director shall allow the user to recommence its discharge with, in the opinion of the Director, the endangerment has passed and the user is otherwise in compliance with all other provisions of this Chapter; unless the termination hearings set forth herein are initiated against the user.
- (3) A user which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Director prior to the date of the hearing described in subsection (c) hereof.

(h) **Termination of Permit.**

- (1) Significant industrial users proposing to discharge into the POTW, must first obtain a wastewater discharge permit from the control authority. Any user who violates the following conditions of this Chapter or a wastewater discharge permit or order, or any applicable State or Federal law, is subject to permit termination:
 - A. Violation of permit conditions;
 - B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
 - C. Failure to report significant changes in operations or wastewater constituents and characteristics; or
 - D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.
- (2) Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and be offered an opportunity to show cause under subsection (c) hereof why the proposed action should not be taken. (Ord. 1992-5. Passed 2-27-92.)

The provisions of this Chapter shall apply only to those users which are required to discharge into the Willoughby-Eastlake Wastewater Collection and Treatment System or are discharging into the Willoughby-Eastlake Wastewater Collection and Treatment Systems, herein sometimes referred to as POTW and/or WPCC, and their appurtenances.

925.99 REMEDIES AND PENALTIES.

(a) **Judicial Remedies.** If any user discharges sewage, industrial wastes or other wastes into the wastewater disposal system contrary to the provisions of this Chapter or any order or permit issued hereunder, the Director of Public Service, through the Directors of Law of the Cities of Willoughby and Willoughby Hills, may commence an action for appropriate legal and equitable relief in the Willoughby Municipal Court or other appropriate Court.

(b) **Court Injunctive Relief.** Whenever an industrial user has violated or continues to violate the provisions of this Chapter or permit or order issued hereunder, the Director, through the Directors of Law of the Cities of Willoughby and Willoughby Hills, may petition the appropriate Court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the user. The Director shall have such remedies to collect these fees as it has to collect other sewer service charges.

(c) **Public Nuisances.** Any violation of the prohibitions or effluent limitations of this Chapter or permit or order issued hereunder is hereby declared a public nuisance and shall be corrected or abated as instructed by the Director. Any person(s) creating a public nuisance shall be subject to the provisions of this Section, and shall be responsible for reimbursing the City of Willoughby Hills and the City of Willoughby for any costs incurred by the Cities in removing, abating or remedying such nuisance.

(d) **Civil Penalties.**

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

(2) The POTW shall petition the appropriate Court to impose, assess and recover such sums. In determining amount of liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factors as justice requires.

(e) **Criminal Prosecution.**

(1) **Violations – General.** Any user or person who violates any provision of this Chapter or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor of the first degree, and each violation and/or each day a violation occurs or continues shall constitute a separate offense.

(f) **Remedies and Penalties, Nonexclusive.** The remedies and penalties provided in this Chapter are nonexclusive, and a violator may be subject to all of the above penalties, remedies and administrative enforcement for each violation.”

SECTION 2. All Ordinances or parts thereof in conflict with the provisions of this Ordinance be, and they are hereby repealed as of the effective date of this Ordinance.

SECTION 3. The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

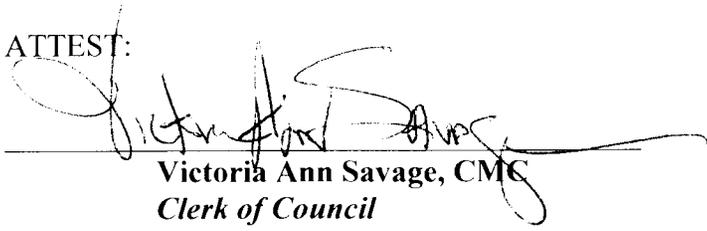
SECTION 4. This Ordinance shall be in full force and effect at the earliest time permitted by law.

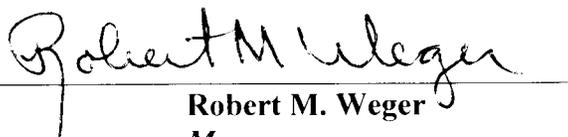
PASSED: September 23, 2010


Kevin D. Malecek
President of Council

Submitted to the Mayor for his approval on this 23 day of September, 2010

Approved by the Mayor
Sept 23, 2010

ATTEST:

Victoria Ann Savage, CMC
Clerk of Council


Robert M. Weger
Mayor

ORDINANCE NO. 2010 – 32

I, Victoria Ann Savage, Clerk of Council for the City of Willoughby Hills, Lake County, Ohio do hereby certify that the foregoing **Ordinance No. 2010 – 32** was duly and regularly passed by the Council of the City of Willoughby Hills, Lake County, Ohio at a meeting held on **September 23, 2010**.

That this legislation was posted according to law and duly advertised pursuant to Ordinance No.2003-19 in the **Lake County News-Herald** on **September 29, 2010**. Effective date of Legislation: **October 23, 2010**.

Victoria Ann Savage, CMC
Clerk of Council