

CHAPTER 904
SEWER USE AND INDUSTRIAL PRETREATMENT CODE

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SEWER USE ORDINANCE AND INDUSTRIAL PRETREATMENT CODE**

ABBREVIATIONS

904.01 The following abbreviations, when used in this Ordinance, shall have the designated meanings:

- ASTM - American Society of Testing Materials
- BOD - Biochemical Oxygen Demand
- BPA - Board of Trustees of Public Affairs
- CFR - Code of Federal Regulations
- COD - Chemical Oxygen Demand
- EDU - Equivalent Dwelling Unit
- EPA - U.S. Environmental Protection Agency
- gpd - gallons per day
- mg/l - milligrams per liter
- NPDES - National Pollutant Discharge Elimination System
- OM&R – Administration, Operation, Maintenance and Replacement
- OSHA - Occupational Safety and Health Act
- RCRA - Resource Conservation and Recovery Act
- SIC - Standard Industrial Classification
- TSS - Total Suspended Solids
- U.S.C.- United States Code
- WPCF - Water Pollution Control Federation
- WWTP – Waste Water Treatment Plant

DEFINITIONS

904.02 For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

1. "Act": The Clean Water Act (33 U.S.C. Sec. 1251 et. seq.), as amended.
2. "Administrative Order": As a result of an administrative adjustment, the BPA may issue an Administrative Order in the form of a compliance schedule or order setting forth conditions for the industrial user to achieve compliance with any provision of this ordinance or rules of the Village.
3. "Administrator": Shall mean the Administrator of the Environmental Protection Agency or any person authorized to act for him.
4. "Applicable Pretreatment Standard": Any pretreatment limit or prohibitive standard (Federal and/or local), deemed to be the most restrictive, with which nondomestic users are required to comply.
5. "Authorized Representative of Industrial User":
 - a. An officer, meaning a president, secretary or vice president of the corporation in charge of a principal business function or any other person as defined by 40 CFR 403.12, authorized to bind the corporation concerning sewer use and industrial pretreatment program issues, if the industrial user is a corporation; or
 - b. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or
 - c. Owner; or

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- d. A representative legally authorized to bind an individual concerning sewer use and industrial pretreatment program issues if the user is an individual.
6. "Beneficial Uses": These uses shall mean but not be limited to, domestic, municipal, agricultural and industrial use, power generation, recreation, aesthetic enjoyment, navigation, and the preservation and enhancement of fish, wildlife and other aquatic resources or preserves, and other users, both tangible or intangible as specified by State or Federal law.
7. "Biochemical Oxygen Demand (BOD)": The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C expressed in terms of weight and concentration. The oxygen demand measured in the sum of carbonaceous and nitrogenous demands. Laboratory procedures shall be in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" as defined in this Section.
8. "BPA": Shall mean the Board of Trustees of Public Affairs of the Village of Hartville or an authorized deputy, agent or representative.
9. "Building Drains": Shall mean that part of the lowest horizontal piping of a drainage system which receives discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer. Building drains shall be classified as follows:
 - a. Building Drain - Combined: A building drain which conveys sewage.

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- b. Building Drain - Sanitary: A building drain which conveys sanitary sewage only.
 - c. Building Drain - Storm: A building drain which conveys stormwater or other drainage, but no sanitary sewage.
10. "Building Sewer": Shall mean the extension from the building drain to the public sewer or other place of disposal. Building sewers shall be classified as follows:
- a. Building Sewer - Combined: A building sewer which conveys sewage.
 - b. Building Sewer - Sanitary: A building sewer which conveys sanitary sewage only.
 - c. Building Sewer - Storm: A building sewer which conveys stormwater or other drainage, but no sanitary sewage.
11. "Bypass": The intentional diversion of waste streams from any portion of an Industrial User's pretreatment facility.
12. "Carbonaceous Biochemical Oxygen Demand (CBOD)": The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C expressed in terms of weight and concentration. Interference from nitrogenous demand is prevented by an inhibitory chemical. Laboratory procedures shall be in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" as defined in this Section.
13. "Categorical Discharger": An industrial user who is subject to National Pretreatment Standards.

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14. "Chemical Oxygen Demand (COD)": Shall mean the amount of oxygen consumed from a chemical oxidant under standard laboratory procedures expressed in milligrams per liter.
15. "Combined Sewer": Shall mean a sewer receiving both surface drainage and runoff from roof downspouts, exterior foundation drains, street drains, etc. and also sanitary sewage.
16. "Compliance Schedule": An established time frame outlining the tasks required and completion dates to achieve compliance with an order, Administrative Order, National Categorical Standard, Discharge Permit or with any provisions of Section 904.01 through 904.99 or rules of the Village.
17. "Composite Sample": A sample of wastewater that shall be comprised of a series of grab samples collected over a 24-hour period and proportionate in volume to the sewage flow rate at the time of sampling. Such sampling shall be collected at such times and locations, and in such a fashion, as to be representative of the facility's overall performance.
18. "County Health Department": Shall mean the Health Department of Stark County, Ohio.
19. "Debt Service": Shall mean the funds used for the retirement of, and interest on, bonds and/or notes, or loans authorized and issued by the Village to construct sewage system facilities.

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20. "Direct Discharge": Shall mean the discharge of treated or untreated wastewater directly to the waters of the State of Ohio.
21. "Discharger": A source of discharge of treated or untreated wastewater to the WWTP. A discharger is a person or governmental entity as defined in this Chapter.
22. "Easement": An acquired legal right of the specific use of land owned by others as further defined by the Ohio Revised Code.
23. "Engineer": Shall mean a person or firm employed by the Village of Hartville with a degree in civil, sanitary or chemical engineering and who is designated as the Village Engineer.
24. "Environmental Protection Agency (EPA)": Shall mean the United States or Federal Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
25. "Equivalent Dwelling Unit (EDU)": Shall mean a measurement of the wastewater contributed by unmetered users representing that which is discharged by the average residential users. An EDU has a usage value of 200 gallons per day.
26. "Fecal Coliform": Any number of organisms common to the intestinal tract of man and animals whose presence in sanitary sewage is an indicator of pollution.

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27. "Federal Act": Shall mean the Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500 and any amendments thereto, as well as any guidelines, limitations and standards promulgated by the U.S. Environmental Protection Agency pursuant to the Act.
28. "Floatable Oil": Oil, fat or grease in a physical state such that it will separate by gravity from wastewater.
29. "Garbage": The residue from the preparation and dispensing of food and from the handling, storage and sale of produce.
30. "Governmental Entity": A municipal corporation, county, village, township or an entity organized as or by a governmental agency for the execution of a governmental program.
31. "Grab Sample": Shall mean a sample which is taken from a wastestream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
32. "Grease and Oil": A group of substances including hydrocarbons, fatty acids, soaps, fats, waxes, oils or any other material that is extracted by a solvent from an acidified sample and that is not volatilized during the laboratory test procedures. Greases and oils are defined by the method of their determination in accordance with Standard Methods.
33. "Holding Tank Waste": Shall mean any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

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34. "Indirect Discharge": Shall mean the discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the WWTP (including holding tank waste discharged into the system).
35. "Industrial Waste": Any substance resulting from any process of industrial, commercial, governmental and institutional concerns, manufacturing, business, trade or research including the development, recovery or processing of natural resources or from sources other than those generating waste defined as normal sewage herein.
36. "Intercepting Sewer": Shall mean 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.
37. "Interference": A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
- a. Inhibits or disrupts the WWTP, its treatment processes or operations, or its sludge processes, use or disposal; and
 - b. Therefore is a cause of a violation of any requirement of the WWTP's NPDES Permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and

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Recovery Act, and including State regulations contained in any State Sludge Management Plan prepared pursuant to Subtitle D of the SWDA); the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act; 40 CFR Part 503 Standards for the Use or Disposal of Sewage Sludge.

38. "Maintenance": Shall mean upkeep and repairs to maintain the wastewater treatment plant structures and equipment in efficient operating condition during the service life of such works.
39. "May": Indicates a discretionary condition.
40. "National Categorical Pretreatment Standard" or "Pretreatment Standard": Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(B) and (C) of the Act (33 U.S.C., 1347) which applies to a specific category of industrial users.
41. "National Pollutant Discharge Elimination System (NDPES) Permit": A permit issued by the OEPA pursuant to the Act for the purpose of regulating the discharge of sewage, industrial wastes and other wastes under the authority of Section 402 of the Act, into the navigable waters of the United States.
42. "Natural Outlet": Shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.
43. "New Source": Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which

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commenced after the publication of proposed Pretreatment Standards under Section 307(C) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that Section provided that:

- 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 or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site.

44. "Nonsignificant Industry": Dischargers which have a wastewater discharge containing low strength compatible pollutants or domestic only wastes of character normally found in background concentrations. Designation of nonsignificant industries shall be made only by the Village.
45. "Normal Domestic Sewage": Shall mean sewage which, when analyzed according to the standard laboratory methods approved by the EPA shall have pollutant concentrations not exceeding 200 mg/l SS, 200 mg/l BOD, 150 mg/l CBOD, 500 mg/l COD, or 100 mg/l oil and grease.
46. "Ohio Environmental Protection Agency (OEPA)": Shall mean the department of the State of Ohio assigned and designated as the legal authority of administration, supervision and regulation of wastewater (municipal, private and industrial) treatment plants in Ohio under amended State Bill 397 and any subsequent amendments.

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47. "Operation and Maintenance": Shall mean any physical and mechanical actions, processes or functions required to operate and maintain the wastewater treatment plant, as defined herein.
48. "Order": Verbal instructions, letter or compliance schedule issued by the Superintendent setting forth conditions for the industrial discharger for the discharge of pollutants to the WWTP.
49. "OSHA": Occupational Safety and Health Act.
50. "Pass Through": A discharge which exits the WWTP into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the WWTP's NPDES Permit (including an increase in the magnitude or duration of a violation). A discharger significantly contributes to a permit violation by:
 - a. Discharging a daily pollutant loading above allowable limits prescribed by contract with the WWTP, or by Federal, State or local law; or
 - b. Discharging wastewater that differs substantially in nature and constituents from the user's average discharge; or
 - c. Knowing or having reason to know that its discharge, alone or in combination with discharges from other sources, would result in a permit violation; or
 - d. Knowing or having reason to know that the WWTP is, for any reason, violating its final effluent limitations in its Permit and that the user's discharge, either along or in combination with discharges

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from other sources, would increase the magnitude or duration of the WWTP's violations.

51. "Permit to Install (PTI)": Written permit granted by the Village to approved applicants for construction of a building sewer by a licensed sewer worker.
52. "Person": Any and all persons, natural or artificial, including any individual, firm, company, private corporation, partnership, copartnership, joint stock company, trust, association, institution, enterprise or other legal entity or their representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
53. "pH": The logarithm, base ten, of the reciprocal of the hydrogen-ion concentration expressed in standard units.
54. "Pollutant": The dredged spoil, solid waste, incinerator residue, wastewater, garbage, wastewater sludge, munition, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, commercial, domestic and agricultural waste discharge into water.
55. "Pollution": An alteration of the quality of the waters of the State by waste to a degree which affects those waters for beneficial uses.
56. "Premises": Any piece of real estate having one or more sewers which may be connected either individually or through a common sewer and directly or indirectly to the wastewater disposal system.

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57. "Pretreatment": The process of reducing the amount of pollutants, eliminating pollutants or altering the nature of pollutant properties in wastewater prior to introducing such pollutants into the Village's WWTP. The reduction, elimination or alternation may be obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by this Ordinance.
58. "Public Sewer": Shall mean a sewer in which all Owners of abutting properties have equal rights and is controlled by public authority.
59. "Replacement": Shall mean expenditures for obtaining and installing equipment, accessories or appurtenances necessary to retain design capacity and performance of the wastewater treatment plant throughout the Village's jurisdiction.
60. "Sanitary Sewage": A combination of the water-carried wastes from residences, business buildings, institutions, and commercial and industrial establishments contributed by reason of human occupancy.
61. "Sanitary Sewer": Any pipe, conduit, ditch or other device used to collect and transport sanitary sewage and industrial waste from the generating source and to which storm, surface, and ground waters are not intentionally admitted.
62. "Sewer Service Charge": Shall mean the total cost to provide wastewater treatment service for the Village. It consists of a user charge (for OM&R), debt service/capital improvements charge, surcharges for extra strength wastes (greater than normal domestic strength) and any other miscellaneous charges.

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63. "Sewage Treatment Plant, Wastewater Treatment Plant or Water Pollution Control Plant": Shall mean any arrangement of devices and structures used for treating sewage.
64. "Sewer": Any pipe, conduit, ditch or other device used to collect and/or transport sewage.
65. "Sewer Inspector": Shall mean and designate the Sewer Inspector of the Village of Hartville, Ohio.
66. "Shall": Is mandatory.
67. "Significant Industrial User (SIU)": A person, governmental entity or discharger who discharges to the WWTP liquid, solid or gaseous wastes resulting from the processes employed in industrial or manufacturing activities or from the development, recovering or processing of any natural resource. SIU includes the following:
- a. All dischargers subject to Categorical Pretreatment Standards; or
 - b. Any other discharger that:
 - 1) Discharges an average of 25,000 gallons per day or more of process wastewater to the WWTP; or
 - 2) Contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the WWTP or
 - 3) Has a reasonable potential, in the opinion of the Superintendent, to adversely affect the WWTP's operation or for violating any Pretreatment Standard or requirement.

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68. "Sludge" (Biosolids): Any solid, semi-solid or liquid waste generated by a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility or any other waste having similar characteristics and effects as defined in Standards issued under Sections 402, 405 of the Act, in the applicable requirements under Sections 3001, 3004 and 4004 of the Solid Waste Disposal Act (PL 94-580), and in 40 CFR Part 503 Standards for the Use or Disposal of Sewage Sludge.
69. "Slugload": Any discharge of water or pollutant including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause interference or pass through with the WWTP.
70. "S-Meter": Shall mean:
- a. A meter or meters used on a water supply other than a municipal water supply, i.e., wells, private water company, etc., and/or surcharge; or
 - b. A meter or meters used to supplement the meter or meters measuring a municipal water supply and considered necessary in the determination of the Sewage Service Charge and/or surcharge.
71. "Solicitor": Lawyer acting as the official law officer for the Village or his authorized deputy, agent or representative.
72. "Standard Industrial Classification (SIC)": System classifying industries pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987, assigning a code (SIC Code) denoting the manufacturing process.

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73. "Standard Methods": The laboratory procedures set forth in the most recent condition of Standard Methods for the Examination of Water and Waste, published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.
74. "State": Shall mean the State of Ohio.
75. "Storm Drain or Storm Sewer": Shall mean a pipe or conduit which carries storm and/or surface waters and/or drainage, but excludes sanitary sewage and/or industrial wastes; it may, however, carry non-contact cooling waters and/or unpolluted waters.
76. "Superintendent": The Superintendent of sewerage of the Village or his authorized deputy, agent or representative.
77. "Surcharge": A charge associated with treatment of pollutants above what is standard in accordance with Wastewater Discharge Agreements and for treating extra-strength wastewater. Costs for surcharge may be revised by separate ordinance on an annual basis.
78. "Suspended Solids": Solids that either float on the surface of or are in suspension or will settle in water, sewage or industrial waste and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in Standard Methods.

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79. "Upset": An exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with the Standards set forth in the Wastewater Discharge Agreement due to factors beyond the reasonable control of the discharger and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation thereof.
80. "User": Shall mean any person or entity who contributes, causes or permits the contribution of wastewater into the Village's WWTP. Each person or entity shall be classified as one of the following types of users:
- Residential User - Means a principal family residence or habitation identified as a single-family, multi-family, apartment, or mobile home, that discharges no greater than normal domestic strength wastewater into the wastewater treatment plant.
 - Commercial User - Means retail or wholesale business entities discharging wastewater into the wastewater treatment plant.
 - Institutional User - Means hospitals, nursing homes, schools, churches, etc., discharging wastewater into the wastewater treatment plant.
 - Governmental User - Means city, county, state, or federal buildings or facilities discharging wastewater into the wastewater treatment plant.

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- Industrial User - Means those users discharging waste into wastewater treatment plant resulting from manufacturing activities involving the mechanical or chemical transformation of materials or substances into other products. These activities occur in facilities usually described as plants, factories, or mills.
81. "User Charge": Shall mean a charge levied on users of the wastewater treatment plant for the administration, operation, maintenance and replacement costs of such facilities.
 82. "Village": The Village of Hartville.
 83. "Village Engineer": An engineer acting as the official engineer for the Village or his/her authorized deputy, agent or representative.
 84. "Wastewater Constituents and Characteristics": The individual chemical, physical, bacteriological, and radiological parameters, including volume, flow rate, and such other parameters that serve to define, classify, or measure the contents, quality, quantity and strength of wastewater.
 85. "Wastewater or Sewage": Shall mean the liquid and water-carried industrial or domestic water from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the WWTP.
 86. "Wastewater Discharge Agreement": A formal agreement to discharge industrial wastewater into the sewer system tributary to the WWTP as

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issued by the Village in accordance with Sections 904.59 and 904.60 of this ordinance.

87. "Wastewater Discharge Permit": A formal permit to discharge wastewater into any sewer or the sewerage system as issued by the Village or other governmental agency authorized by the EPA to issue those permits.
88. "WWTP": Waste Water Treatment Plant - Publicly-owned treatment works which are owned by the Village; includes the plant, sewer lines, pumping stations and any related appurtenances.
89. "Watercourse": Shall mean a channel in which a flow of water occurs, either continuously or intermittently.
90. "Waters of the State": As referred to under Ohio Revised Code Section 6111.01(H), shall mean all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, which are situated wholly or partly within, or border upon, this State, or are within its jurisdiction, except those private waters which do not combine or effect a junction with natural surface or underground waters.

USE OF PUBLIC SEWERS

904.03 PROHIBITIONS; REQUIREMENTS

1. Deposits Prohibited: No person shall place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Village, any human or animal excrement, garbage or other objectionable waste.

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2. Discharge to Natural Outlet Prohibited: No person shall discharge to any natural outlet within the Village, or within any area under the jurisdiction of the Village, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with Federal, State or Village regulations.

3. Privy, Cesspool or Private Sewer Prohibited: No owner, agent, lessee, tenant or occupant of any lot or land located within the Village shall establish, construct, maintain or permit to remain, a privy, cesspool or other receptacle for sewage or excreta or a connection to a private sewer, ditch or other outlet if such lot or land is accessible to a public sewer constructed and used for the purpose of conveying sewage and if a public water main or other water supply satisfactory to permit use of plumbing is available. When such public sewer and water main or other water supply are available or are hereafter made available, a connection to such public sewer shall be established and used by such owner, agent, lessee, tenant or occupant.
 - a. The use of air admittance valves shall be prohibited if the plumbing system is connected to the County sanitary sewer system.

4. Connection Required; Costs:
 - a. Every building within the Village shall be separately and individually connected by a separate building sewer to a public sewer where there is such sewer adjoining the lot or parcel of land on which such building stands. Any and all costs for the initial installation and replacement, where replacement is necessary due to an increase in sanitary sewer and/or storm sewer demand

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resulting from a change in the nature of the use of the structure within the boundaries of the private premises of individual property owners in the Village, shall be paid for by the owner of the property being served by the sanitary sewer and/or storm sewer laterals. The owner of the property shall maintain, repair and replace, where necessary due to poor condition of the lateral, that portion of the sanitary sewer and/or storm sewer lateral located on private property from the public right-of-way to the building being served by the lateral. The Village shall repair and/or replace, where necessary, that portion of the sanitary sewer and/or storm sewer laterals located within the public right-of-way.

- b. Every building in existence prior to the construction of a public sewer adjacent to the lot or parcel of land on which the building stands shall, upon the construction of such adjacent sewer, be connected to such sewer within six (6) months of the time such sewer is so constructed and made available for use.
- c. The Village shall cause written notice to be given to the owner of each lot or parcel of land to which such connections required herein are to be made. The notice shall state the number and character of connections required. The notice under this Section shall be by certified mail addressed to such owner at his last known address or to the address to which tax bills are sent. The returned receipt for notice given by certified mail accepted by the addressee, or anyone purporting to act for him, shall be prima-facie evidence of the service of notice required under this Section. If it appears by the return of the certified mail notice that the owner cannot be found, such owner shall be served by publication of the notice once in a newspaper of general circulation within the Village.

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- d. When such connections to the public sewer are not installed by the owner of the property within thirty (30) days from the date of service of such notice, the work may be done by the Village and the cost thereof, together with a forfeiture of twenty-five percent (25%), assessed against the lots and lands for which such sewer connections are made.
 - e. Houses, buildings or properties used for human occupancy, employment, recreation, or other purpose, shall connect restroom facilities directly to the proper public sanitary sewer, provided said public sanitary sewer is within one hundred (100) feet of the property line of aforesaid house, building or property.
 - f. All buildings connecting to the sanitary sewer system shall provide at least one full-size vent equal to the building drain, but not less than three (3) inches for a building drain three inches or larger.
5. Hook up fees: The Village shall establish classifications and associated sewer hook up charges for premises located within the Village and premises contemplated to be annexed to the Village for connection to the Village WWTP.
6. Sewer Rates:
The Village shall establish a Sewer Service Charge for the use of its System, and levy and charge upon each lot, parcel of land, premises or user having a connection with the System, or otherwise discharging sanitary sewage, industrial waste, water or other liquids, either directly or indirectly into the System.

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The Sewer Service Charge shall consist of a user charge to cover the administrative, operation, maintenance, and replacement (OM&R) costs; and a debt service charge to cover repayment of loans and other capital improvement costs. Also, a surcharge shall be determined for those users discharging higher than normal domestic strength wastewater.

A User Charge System shall be developed which allocates all the costs for administrative, operation, maintenance, and replacement (OM&R) to all users of the sewer system. The User Charge System has been developed based on an "Equivalent Dwelling Unit (EDU)" method with the single family residence as 1 EDU. All other users shall relate to and be determined by volume as related to a single family equivalent using accepted engineering practices. The flow value of an EDU has been determined to be 200 gallons per day (6,000 gallons per month).

The system for allocating the costs and determining the monthly rates (Sewer Service Charge) shall be implemented with the enactment of this ordinance.

The rates are to be determined and charged according to the following methods:

Targeted Annual Sewer Service Charge (Residential) = Current Certified US Census Data Median Household Income for the Village times 1.5%.

Annual Sewer Service Charge (Residential) Increase = Difference between Targeted Annual Sewer Service Charge (Residential) and 2010 Actual Sewer Service Charge (Residential) divided by 4 years.

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Annual Sewer Service Charge (Residential) = and 2010 Actual Sewer Service Charge (Residential) + Current Year – 2010 times Annual Increase

Annual Sewer Service Charge (Commercial) = Beginning with the 2010 Annual Sewer Service Charge (Commercial); will include the same Annual Rate Increase as the Annual Sewer Service Charge (Residential).

Monthly EDU Rate = Annual Sewer Service Charge (Residential) divided by 12.

Surcharges for BOD and SS:

In addition to the basic Sewer Service Charge, there shall be a surcharge established for treatment of extra strength wastes. The surcharge shall be based on the following:

1. BOD in excess of 200 parts per million
2. Suspended solids in excess of 200 parts per million

The surcharge shall be calculated annually based on the prior year's actual cost of treating BOD and suspended solids (SS) as per the following:

$$\frac{\text{Total Annual Cost for BOD}}{\text{Pounds of BOD Treated}} = \text{BOD surcharge per pound}$$

$$\frac{\text{Total Annual Cost for SS}}{\text{Pounds of SS Treated}} = \text{SS surcharge per pound}$$

Surcharge rates for extra strength BOD and Suspended Solids will be billed to all users discharging wastewater greater than "Normal Domestic Strength".

UNMETERED COMMERCIAL

Monthly Sewer Service Charge = Annual Sewer Service Charge (Commercial) divided by 12 plus Business Classification Monthly Add-On Rates plus Business Classification Employee Rate plus Surcharges for BOD and SS.

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METERED COMMERCIAL

Sewer system users with meters for water usage will be billed based on the following:

1 EDU = 6,000 gallons per month

1,000 gallons = 1/6 EDU cost

Monthly Sewer Service Charge = Annual Sewer Service Charge (Commercial)
divided by 12 plus 1/6 EDU times each 1,000 gallons flow recorded by
meter plus Surcharges for BOD and SS.

- a. With respect to commercial sewer accounts, whose meter flow is determined from usage records provided by the City of Canton public water system, such numbers shall be conclusive as to the usage of the user for the period in question, upon submittal of such meter flow numbers from the City of Canton.

- b. With respect to commercial sewer accounts, whose meter flow is determined from a S-meter, other than a meter connected to the City of Canton water system, said user shall be obligated to provide to the Village no later than the 20th day of the month following the preceding month (“Due Date”), the meter reading for such user. Should the 20th day of the month fall on a Saturday, Sunday, or holiday, the due date will be the next day that the Village office open. Any and such submittals to the Village shall be under the penalty of perjury or prosecution for falsification, as well any and all penalties available under Section 904.99. The Village reserves the right to audit and independently inspect any such reading, as necessary. Should the user fail to provide the reading by the Due Date, the Village shall impose a non-

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refundable late fee in the amount of Fifty Dollars (\$50.00) (“Late Fee”) to said account for each month the reading is late.

- c. All users of the wastewater treatment system shall be billed for sewer service. No user will be granted free services.

1. **Sewer Billings:**

- a. Monthly postcard billings will be mailed by the Village on the first working day of each month in the total amount as calculated under Section 904.03, Item 6. Payments not made within 10 days shall pay a 10% penalty.
- b. Once per year, unpaid sewer user fees shall be placed on the property owner's tax duplicate and certified. The Village will provide all unpaid sewer users fee information to Stark County on the second Monday in September. Stark County will make payment to the Village for all unpaid sewer user fees. Stark County will add any appropriate administrative fees to the sewer user fees and bill the property owners for total fees due in their January tax bill.

- 2. **Sewers Under Control of the Village:** All sewers of any kind within the lines of any street or other public ground or any sewer constructed by the Village shall be under the control of the Village.

PRIVATE SEWAGE DISPOSAL

904.04 REQUIREMENTS; PROCEDURE

- 1. Where a public sanitary sewer is not available under the provisions of Section 904.03, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Section.

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2. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit to building signed by the County Health Department. The application for such permit shall be made on a form furnished by the Village, which the applicant shall supplement by plans, specifications and other information as are deemed necessary by the County Health Department.
3. A permit to use a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the County Health Department. The Department shall be allowed to inspect the work at any stage of construction, and in any event, the application for the permit shall notify the County Health Department when the work is ready for final inspection and before any underground portions are covered.
4. The type, capacities, locations, layout and operation of a private sewage disposal system shall comply with all regulations of the County Health Department or other appropriate regulatory agencies.
5. At such time as a public sanitary sewer becomes available to a property served by a private sewage disposal system as provided in Section 904.03(C), a direct connection shall be made to the public sanitary sewer in compliance with this Chapter and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Village.

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7. No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the County Health Department.

BUILDING SEWERS, CONNECTIONS AND PERMITS

904.05 AUTHORIZATION TO WORK ON SEWERS

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Village.

904.06 DESTRUCTION OF SEWAGE WORKS EQUIPMENT

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest and fine through the local court as prescribed in Section 904.99.

904.07 UNAUTHORIZED LIQUID DISCHARGE IN SEWERS

No person without proper authorization from the Superintendent shall lift, remove or tamper with a manhole cover or lid or make any opening into a manhole for the purpose of draining rain, ground or wastewaters into the sewer manhole. Any person violating this provision shall be guilty of a misdemeanor and fined as provided for in Section 904.99.

904.08 UNAUTHORIZED MATERIAL DISCHARGE IN SEWERS

No person without written authorization from the Superintendent shall place any materials or substance into any sewer through a manhole leading to the sewer. Any offender shall be guilty of a misdemeanor and fined as provided for in Section 904.99. Each offense shall be considered to be a separate offense.

904.09 BONDING AND LICENSE REQUIRED FOR SEWER WORKERS

No person shall construct, connect or repair any sanitary sewer or construct or repair any sewer drain connection with a Village storm sewer or inlet or do any work in connection therewith, unless he has secured a license from the Village, which license shall be for a period extending from the date of issuance to December 31st of the same year, upon payment of a fee of Twenty-Five Dollars (\$25.00) and bond in the sum of Ten Thousand Dollars (\$10,000.00), executed by a surety company doing business in Ohio, conditioned that they indemnify the Village from all loss of damage that may be occasioned or caused by the want of care, skill or attention on the part of the person obtaining the permit in the installation of such work.

Any person wishing to perform such work shall submit a complete statement of qualifications and duly demonstrate that he successfully completed similar construction for review by the Village. If accepted, the bond shall be approved by the Solicitor and the Mayor and filed in the Clerk-Treasurer's Office.

904.10 SEWER PERMITS

1. There shall be three (3) classes of building sewer permits:
 - a. Residential service;
 - b. Storm drainage service, and
 - c. Commercial and industrial service.

2. The Owner or his agent shall make application on a special form furnished by the Village. The permit application shall be considered pertinent in the judgment of the Village Engineer. A permit and inspection fee of Fifty Dollars (\$50.00) for commercial, Twenty Dollars (\$20.00) for residential and Fifty Dollars (\$50.00) for industrial building sewer permit fees shall be paid to the Village when the application for each required permit is made.

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3. Residential Building Sewer P.T.I. Application:
See following page marked 904.10(A).

4. Commercial or Industrial Sewer P.T.I. Application:
See the following page marked 904.10(B).

5. Storm Drainage Service P.T.I. Application:
See following page marked 904.10(C).

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904.10(A)

RESIDENTIAL BUILDING SEWER P.T.I. APPLICATION

The undersigned, being the _____ of the property located at _____
 (Owner, Owner's Agent) (House/Lot Number)

on the _____ side of _____
 (north, south, east, west) (Street Name)

does hereby request a permit to install and connect a building sewer to serve the residence at said location.

1. The following indicated fixtures will be connected to the proposed building sewer:

<u>Number</u>	<u>Fixture</u>	<u>Number</u>	<u>Fixture</u>	<u>Number</u>	<u>Fixture</u>
___	Kitchen sinks	___	Water closets	___	Showers
___	Lavatories	___	Urinals	___	Garbage Grinders
___	Laundry tubs	___	Bath Tubs		

Specify other fixtures

2. The number of persons who reside in the home _____.
3. The name and address of the person or firm who will perform the proposed work is _____.
 Has the bonding and license required for sewer workers been secured from the Village. ___ YES ___ NO
4. Plans and Specifications for the proposed building sewer are attached hereto as Exhibit "A".
5. In consideration of the granting of this P.T.I., the undersigned agrees:
 - a. To accept and abide by all provisions of the sewer use and Industrial Pretreatment Code and other applicable ordinances.
 - b. To maintain the building sewer at no expense to the Village.
 - c. To accept and abide by the conditions of this permit.
 - d. To notify the Village when the building sewer is ready for inspection and the connection to the public sewer is completed.
 The sewer conduit shall remain exposed until inspected and approved. Only approved sections shall be backfilled.

Does the applicant have existing indebtedness to the Village? ___ YES ___ NO

Date: _____ Signed: _____
 (Applicant)

 (Address of Applicant)

Applicant approved and permit to install issued:	
	Permit No. _____
Date: _____ Signed: _____	BPA _____
Date: _____ Signed: _____	Fiscal Officer _____
Installation Approved:	
Date: _____ Signed: _____	Sewer Inspector _____

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904.10(B)
COMMERCIAL OR INDUSTRIAL FACILITY SEWER PTI APPLICATION

The undersigned, being the _____ of the property located at _____
(Owner, Owner's Agent) (House/Lot Number)

on the _____ side of _____
(north, south, east, west) (Street Name)

does hereby request a permit to install and connect a building sewer to serve the residence at said location.

1. The following process and sanitary discharges will be connected to the proposed building sewer:
 - a.
 - b.
 - c.
 - d.
2. The number of persons employed at the above facility is _____.
3. The name and address of the person or firm who will perform the proposed work is _____.
Has the bonding and license required for sewer workers been secured from the Village ___ YES ___ NO
4. Plans and Specifications for the proposed building sewer are attached hereto as Exhibit "A".
5. Industrial Wastewater Discharge Agreement as approved and in accordance with Sections 904.59 and 904.60 as attached hereto as Exhibit "B", or written notice from the Village that an Agreement is not required for the proposed discharge.

In consideration of the granting of this permit to install, the undersigned agrees:

1. To accept and abide by all provisions of the Sewer Use and Industrial Pretreatment Code and other applicable ordinances.
2. To maintain the building sewer at no expense to the Village.
3. To notify the Village when the building sewer is ready for inspection and the connection to the public sewer is completed. The sewer conduit shall remain exposed until inspected and approved. Only approved sections shall be backfilled.

Does the applicant have existing indebtedness to the Village? ___ YES ___ NO

Date: _____ Signed: _____
(Applicant)

(Address of Applicant)

Applicant approved and permit to install issued:	
	Permit No. _____
Date: _____ Signed: _____	BPA _____
Date: _____ Signed: _____	Fiscal Officer _____
Installation Approved:	
Date: _____ Signed: _____	Village Engineer _____
Date: _____ Signed: _____	Sewer Inspector _____

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904.10(C)
STORM DRAINAGE SERVICE P.T.I. APPLICATION

The undersigned, being the _____ of the property located at _____
(Owner, Owner's Agent) (House/Lot Number)

on the _____ side of _____
(north, south, east, west) (Street Name)

does hereby request a permit to install and connect a building sewer to serve the residence at said location.

1. The following indicated fixtures will be connected to the proposed building sewer:

Table with 4 columns: Number, Fixture, Number, Fixture. Rows include Downspouts, Yard Drains, Foundation Drains, and Basement Sump.

Specify other fixtures

- 2. The number of persons who reside in the home _____.
3. The name and address of the person or firm who will perform the proposed work is _____.
4. Plans and Specifications for the proposed building sewer are attached hereto as Exhibit "A".
5. Does the residence have a sanitary connection to a public sewer? ___ Yes ___ No
6. In consideration of the granting of this P.T.I., the undersigned agrees:
a. To accept and abide by all provisions of the Sewer Use and Industrial Pretreatment Code and other applicable ordinances.
b. To maintain the building sewer at no expense to the Village.
c. To accept abide by the conditions of this permit.
d. To notify the Village when the building sewer is ready for inspection and the connection to the public sewer is completed.
The sewer conduit shall remain exposed until inspected and approved. Only approved sections shall be backfilled.

Does the applicant have existing indebtedness to the Village? ___ YES ___ NO

Date: _____ Signed: _____
(Applicant)

(Address of Applicant)

Applicant approved and permit to install issued:
Permit No.
Date: _____ Signed: _____ Engineer
Date: _____ Signed: _____ Fiscal Officer
Installation Approved:
Date: _____ Signed: _____ Sewer Inspector

904.11 COST OF SEWER INSTALLATION

All costs and expenses incident to the installation or connection of the building sewer shall be at the expense of the Owner. The Owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

904.12 REQUIRED INDEPENDENT SEWERS

Where more than one (1) building requiring sanitary sewerage is constructed on a single parcel of land, a separate and independent building sewer shall be provided for each building.

904.13 OLD BUILDING SEWERS

Old building sewers may be used in connection with new buildings, provided the sewers are all premium joint pipe and only when they are found on examination and test by the Village Engineer or their representatives, to meet all requirements of this Ordinance.

SEWER USE AND INSTALLATION

904.20 SEWER INSTALLATION METHODS

The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing or backfilling the trench, shall all conform to the requirements of the building and plumbing code. The materials and procedures set forth in appropriate specifications of the American Standard for Test Materials and WPCF Manual of Practice No. 9 shall apply and any amendments thereto.

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904.21 SEWER EASEMENTS

The BPA should determine from the Village Engineer and the Superintendent if a proposed building structure, fence and any other permanent facility is on a water or sewer easement. If an easement does exist, the permit shall be denied.

904.22 SEWER ELEVATION

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the building sewer, the sanitary sewage carried by such building drain shall be lifted or gravity drained by a method approved by the Village Engineer to discharge the sewerage to the building sewer.

904.23 PROHIBITION OF CONNECTION OF SURFACE WATER

No person shall make connection of roof downspouts, stormwater sump pumps, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer.

904.24 BLOCKAGE OF PROHIBITED CONNECTION AS PROVIDED FOR IN SECTION 904.23

Any existing connection in violation of Section 904.23 shall be disconnected and the piping blocked with sufficient concrete and fill to prevent further discharge to the public sanitary sewer. This work shall be accomplished under the direct supervision and inspection of the Sewer Inspector or Village Engineer. The completed work shall be approved by letter from the Village.

904.25 VIOLATION PENALTY OF 904.23

Any person in violation of Section 904.23 will be given a first notice to correct the connections to the specifications of this Ordinance and have said work finished within ninety (90) days. A second notice to correct the connections will be given if action to the first notice was not completed within ninety (90) days. If the connections are not corrected within ninety (90) days after the second notice, a third notice will be issued and the violator will be guilty of a misdemeanor.

904.26 PERMANENT DISCONNECTION

1. Upon demolition, destruction or razing of a structure served by the Village sanitary sewer system or the abandonment of an existing sanitary sewer service, the sanitary sewer line shall be disconnected and sealed in accordance with this Section 904.26.
2. Disconnection shall be made at the right of way or property line nearest the sanitary sewer main and shall be accomplished in a manner to assure no surface or ground water can enter the system and shall be sealed in the manner provided for herein.
3. All sanitary sewer line seals shall consist of a concrete plug followed by a "water plug" followed by a concrete plug.
4. The Owner of the property on which the structure or sanitary sewer service is located shall notify the Village for inspection to witness the disconnection and sealing.
5. The disconnection shall be inspected and approved prior to backfilling the excavation.

904.27 REGULATIONS OF SEWER CONSTRUCTION

The connection of a building sewer into a public sewer shall conform to the requirements of the Building and Plumbing Code or the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 and any amendments thereto. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and material requirements must be approved by the Village Engineer or their representatives prior to such installation.

904.28 EXISTING SEWER SYSTEM REHABILITATION

Any rehabilitation on the existing sewer system shall require approval by the Village.

904.29 SEWER CONNECTION INSPECTION

1. The applicant for the building sewer permit shall notify the Village or their representatives when the building sewer is ready for inspection and connection to the public sewer. All exterior foundations, drains, roof downspouts, areaway drains, building drains or building sewers shall be exposed and not backfilled so that all piping or connections can be inspected. Any person filling the trenches previous to inspection shall be required to re-excavate the trenches at his own expense before inspection, approval and connection to the public sewer can be made. The connection shall be made under the supervision of the Village Engineer or Sewer Inspector. One (1) foot above the top of the pipe and the bedding around the pipe shall be granular material backfill or as directed by the Village Engineer or Sewer Inspector.

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a. Work Inspection and Regulations:

All work prosecuted or performed under a permit by a licensed sewer builder shall be subject to periodic inspection during construction by the Village Engineer or Sewer Inspector. All such work shall comply with the Standard Designs, Specifications and Ordinances of the Village and shall also comply with the State of Ohio's Laws and Regulations governing this work.

2. Acceptance of Sewers:

A new sewer or old sewer, where changes or modifications have been made thereto, shall not be accepted by the Village until a final inspection has been made and the sewer approved for public use by the Village Engineer or Sewer Inspector. The final inspection for all sewers shall include the following:

<u>Description</u>	<u>Required Test(s)</u>
Sanitary Sewers:	
New Main Construction	Infiltration/exfiltration leak test, or Low pressure air test Internal television inspection Mandrel test (PVC only)
New Lateral Construction	Infiltration/exfiltration leak test, or Low pressure air test
Existing Main Modification	Internal television inspection
Existing Lateral Modification	A.D.*
Storm Sewers:	
New Main Construction	Internal television inspection

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Mandrel test (PVC only)

New Lateral Construction

A.D.*

Existing Main Modification

Internal television inspection

Existing Lateral Modification

A.D.*

* A.D. = As directed by the Village Engineer or Sewer Inspector

All testing shall be performed by a licensed sewer contractor.

904.30 SEWER SIZE

The size and slope of the building sewer shall be subject to the approval of the Village Engineer, but in no event shall the pipe size be less than four (4) inches in diameter. In sewer lateral installations serving more than four (4) units in one building, the pipe shall be no less than six (6) inches in diameter. The slope of the pipe shall not be less than 1/8-inch per foot or more than 1/4-inch per foot except as permitted by the Village Engineer.

904.31 GUARDING EXCAVATIONS AND REPAIRING PUBLIC PROPERTY

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the health, welfare and safety of the public in accordance with OSHA Regulations. Streets, sidewalks, parkways or other public property damaged in the course of the work shall be restored in a manner satisfactory to the Village.

904.32 SEWER PERMIT CONDITIONAL

No sewer permit shall be issued for any new connection to the treatment works unless there is adequate hydraulic and pollutant loading capacity in all downstream sewers, lift stations, force mains and the treatment plant.

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The Village reserves the right to:

1. Limit new connections to the treatment works based on the treatment works' capacity.
2. Reject wastes that would harm or affect the integrity of the wastewater treatment plant, or cause it to violate permit limits.
3. Surcharge for the cost of treating extra-strength wastewater.
4. Require pretreatment of certain wastes prior to discharge to the treatment works.

904.33 MANHOLE COVER OBSTRUCTION

No person shall obstruct, block, cover, construct over the top of or in any way hinder access to a manhole cover at any time. The person who caused the obstruction shall remove the obstruction to provide access suitable to the Superintendent. If the person does not remove the obstruction(s) within seventy-two (72) hours, the Village will remove the obstruction(s) and charge the person for time and materials.

USE OF PUBLIC SEWERS CONTROLLED

904.50 PURPOSE AND POLICY

1. This Ordinance sets forth uniform requirements for the use of public and private sewers and discharges by Industrial Users into the Village wastewater collection and treatment systems, and enables the Authority to protect public health in conformity with all applicable local, State and Federal laws relating thereto.

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The objectives of this Ordinance are:

- a. To prevent the introduction of pollutants into the WWTP which will interfere with the normal operation of the WWTP or contaminate the resulting municipal sludge;
 - b. To prevent the introduction of pollutants into the WWTP which do not receive adequate treatment in the WWTP, and which will pass through the system into receiving waters or the atmosphere or otherwise be compatible with the system;
 - c. To improve the opportunity to recycle and reclaim wastewater and sludge from the WWTP;
 - d. To protect both WWTP personnel who may be affected by wastewater and sludge in the course of their employment and the general public; and,
 - e. To enable the Village to comply with its NPDES Permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the WWTP is subject.
2. This Ordinance shall apply to all users of the WWTP. The Ordinance authorizes the issuance of Wastewater Discharge Agreements; provides for monitoring, compliance and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.
 3. The Village reserves the right to contract with other entities for treatment services.

904.51 GENERAL DISCHARGE PROHIBITIONS

1. No discharger shall contribute or cause to be discharged, directly or indirectly, any of the following described substances to the sewer system or otherwise to the Village WWTP:
 - a. Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin if discharge in amounts that can pass through or cause interference of the WWTP.
 - b. Wastewater from industrial facilities and/or commercial facilities containing floatable fats, wax, grease or oils.
 - c. Liquids, solids or gases, which by reason of the nature or quantity are or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the sewerage facilities or to the operation of the system.
 - 1) At no time shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the sewer system, be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter.
 - 2) At no time shall wastewater exhibit a closed cup flashpoint of less than 140°F of 60°C using the test method specific in 40 CFR 261.21.
 - d. Noxious or malodorous solids, liquids or gases, which either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to life are 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 WWTP in a

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- quantity that may cause acute worker health and safety problems.
- e. Food grinder or garbage disposal waste and wastewater by commercial or industrial users.
 - f. Any substance in amounts exceeding standards promulgated by the Administrator.
 - g. Any chemical elements or compounds or other substances which may interfere with the biological process or efficiency of the treatment system.
 - h. Solid or viscous wastes which will or may cause obstruction to the flow in a sewer or otherwise interfere with the proper operation of the wastewater treatment system. Prohibited materials include, but are not limited to, grease, uncomminuted garbage, animal guts or tissues, paunch, manure, bones, hair, hides or fleshings, entrails, whole blood, medical wastes, human body parts, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, or fuel or lubricating oil and similar substances.
 - i. Any unpolluted waters which will increase the hydraulic loading on the plant including, but not limited to, any storm water, surface water, groundwater, roof runoff water, subsurface drainage, uncontaminated cooling water or uncontaminated industrial process waters.
 - j. Any discharge which will cause the WWTP to violate its NPDES and/or other disposal system permits.
 - k. Any discharge that causes or contributes to interference or pass through of the treatment plant.
 - l. Any liquids having a pH lower than 6.0 or higher than 9.0, or having any corrosive property capable of causing damage or hazard to structures, equipment or personnel of the sewage disposal works.

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- m. Any substance which may cause the WWTP effluent or treatment residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the WWTP cause the WWTP to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, State standards applicable to the sludge management method being used, or 40 CFR Part 503 Standards for Use or Disposal of Sewage Sludge.
- n. Any wastewater having a temperature which will inhibit biological activity at the sewage treatment plant resulting in interference; but in no case, wastewater with a temperature at the introduction into the treatment plant which exceeds 40°C (104°F).
- o. Any discharge with objectionable color not removed in the treatment process such as, but not limited to, dye, wastes and vegetable tanning solutions.
- p. Any pollutant, including oxygen demanding pollutants (BOD, COD, etc.) released in a discharge at flow rate and/or pollutant concentration which will cause interference, pass through or which is a slugload.
- q. Any trucked or hauled pollutants, including industrial and septic wastes, into any location of the sewer disposal works at anytime.
- r. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as exceed limits established in compliance with applicable State or Federal regulations.

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- s. Any wastewater which causes a hazard to human life, creates a public nuisance or is in any other way injurious to persons, property, animals or the operation of the sewage disposal works.
- t. 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 to exceed the limitations set forth in the National Categorical Pretreatment Standards.
- u. Any slugload.
- v. Oil and gas well brine and related constituents.
- w. Any discharge that causes the Village to incur additional operating expenses in the handling or treatment thereof.
- x. Residential garbage that has not been ground or comminuted to a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewers, with no particle greater than one half inch (1/2") in any dimension.

904.52 NATIONAL CATEGORICAL PRETREATMENT STANDARDS

1. National Categorical Pretreatment Standards as promulgated by the EPA pursuant to the Act shall be met by all Significant Industrial Users (SIU) which are subject to those standards. All SIU's shall submit a final status report within ninety (90) days after a particular categorical standards compliance date.
2. Deadline for compliance with Categorical Standards are required per 40 CFR 403.6(B) as currently promulgated.

904.53 STATE AND LOCAL REQUIREMENTS

1. State Requirements: State requirements and limitations on discharges to the WWTP shall be met by all dischargers which are subject to those standards in any instance in which they are more stringent than Federal requirements and limitations or those in this or any other applicable Ordinance.
2. Village Requirements: No person shall discharge, or cause or allow to be discharged, industrial wastes or other wastes into any sewer within the jurisdiction of the Village and/or into the WWTP without a permit issued by the Village and without first having complied with the terms and conditions established herein.
3. Supplementary Limitations: No user shall discharge wastewater concentrations and/or mass loadings to the WWTP exceeding those limits specified in Section 904.56 or amended by a Wastewater Discharge Agreement issued by the Village in accordance with Sections 904.59 and 904.60.

904.54 RIGHT OF REVISION

The Village reserves the right to amend this Ordinance to provide for more stringent limitations or requirements on discharges to the WWTP where deemed necessary to comply with the objectives set forth in Section 904.50 of this Ordinance.

904.55 DILUTION

1. No discharger shall increase the use of potable or process water in any way for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment or for the purpose of achieving compliance with the standards set forth in the Sewer Use and Industrial Pretreatment Code, required by Agreement, contained in the Federal Pretreatment Standards or contained in any State requirements. This shall not prohibit the use of equalization tanks utilized to regulate flows.

2. The Village may impose mass limitations on Industrial Users which are suspected of using dilution to meet the Pretreatment Standards or Sewer Use & Industrial Pretreatment Code, or in other cases where the imposition of mass limitations is deemed appropriate by the Village.

904.56 LOCAL LIMITS

1. The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following instantaneous maximum allowable discharge limits:

- 0.36 mg/l Arsenic
- 4.11 mg/l Cadmium
- 1.02 mg/l Chromium
- 0.03 mg/l Copper
- 0.36 mg/l Cyanide
- 0.15 mg/l Iron
- 0.37 mg/l Lead
- 0.40 mg/l Mercury
- 1.00 mg/l Nickel
- 100 mg/l Oil and Grease

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0.10 mg/l Phenols

1.02 mg/l Silver

0.62 mg/l Zinc

The above limits apply at the point where the wastewater is discharged to the WWTP. All concentrations for metallic substances are for "total recoverable" metal unless indicated otherwise.

904.57 PRETREATMENT MEASURES

1. SIU's shall provide wastewater pretreatment as necessary to comply with this Ordinance and shall achieve compliance with all Categorical Pretreatment Standards, local limits and the prohibitions set out in Section 904.51 of this Ordinance within the time limitations specified by EPA, the State or Village, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Superintendent for review and shall be acceptable to the BPA before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Village under the provisions of this Ordinance.
2. Whenever deemed necessary, the BPA may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams and

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such other conditions as may be necessary to protect the WWTP and determine the user's compliance with the requirements of this Ordinance.

3. The BPA may require any person discharging into the WWTP to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A Wastewater Discharge Agreement may be issued solely for flow equalization.

4. Grease, oil and sand interceptors or traps shall be provided when, in the opinion of the BPA, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil or sand, except that such interceptors or traps shall not be required for residential users. All interceptors or traps shall be of a type and capacity approved by the BPA and shall be located as to be readily and easily accessible for cleaning and inspection. Grease or oil interceptors or traps shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. Where installed, all grease, oil or sand interceptors or traps shall be maintained by the Owner, at his expense, in continuously efficient operation at all times.

The Owner shall keep records on the operation and maintenance of grease, oil or sand interceptors or traps and shall make such reports available to the Village upon request.

5. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

904.58 ACCIDENTAL DISCHARGES

1. Industrial Users shall, within 24 hours, notify the Superintendent upon the accidental discharge of wastes in violation of this Ordinance to enable countermeasures to be taken to minimize damage to the wastewater treatment plant, treatment processes and the receiving waters. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume and corrective actions.
2. This notification shall be followed, within 15 days of the date of occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrence.
3. Such notification will not relieve Industrial Users of liability for any fines provided for in Sections 904.65 through 904.99 of this Ordinance, or for any expense, loss or damage to the sewer system, treatment plant or treatment process or for any fines imposed on the Village on account thereof.
4. Signs shall be permanently posted in conspicuous places on the 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 the emergency notification procedure.
5. Slug Control Plan: The BPA may require a plan to control slug discharges from each SIU. A slug discharge is any discharge of a non-routine, episodic nature including, but not limited to, an accidental spill or a

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non-customary batch discharge. The Plan shall contain the following elements:

- a. A description of discharge practices and stored chemicals;
 - b. Notification procedures; and
 - c. Procedures to prevent adverse impact from accidental spills.
6. Each Industrial User shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this Ordinance. Any direct or indirect connection or entry point for persistent or deleterious wastes to the discharger's plumbing or drainage system shall be eliminated.

Where such action is determined impractical or unreasonable by the BPA, the Industrial User shall appropriately label such entry points to warn against discharge of such wastes in violation of this Ordinance. Where necessary, facilities to prevent accidental discharge of prohibited material shall be provided and maintained at the Industrial User's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Superintendent for review and shall be approved by the BPA before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify this facility as necessary to meet the requirements of this Ordinance.

904.59 WASTEWATER DISCHARGE AGREEMENT

All SIU's, as required by the BPA, proposing to connect to or to discharge sewage, industrial wastes and/or other wastes to the WWTP shall obtain from the BPA a Wastewater Discharge Agreement before connection to or discharging to the WWTP. All existing SIUs connected to or discharging to the WWTP shall obtain

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from the BPA a Wastewater Discharge Agreement as directed by the Superintendent. This requirement shall not apply to dischargers classified by the Superintendent as nonsignificant industries or dischargers other than industrial dischargers unless required by the BPA. Industries subject to National Pretreatment Standards which dispose of wastewaters off-site shall obtain a discharge agreement specifying "no discharge" and meeting the requirements of Section 904.60.

904.60 WASTEWATER DISCHARGE AGREEMENT APPLICATION

1. All Industrial Users shall complete and file with the Superintendent a Wastewater Discharge Disclosure Declaration in the form prescribed by the BPA. Proposed new dischargers shall apply at least ninety (90) days prior to connecting to the WWTP. Any nonsignificant industry which, via changes in process or facilities use, will cease to be a nonsignificant industry shall complete and file a Wastewater Discharge Disclosure Declaration within ninety (90) days prior to the change. Fees and charges for review of Wastewater Disclosure Declarations shall be established from time to time by the Village.
2. Following review of the Wastewater Disclosure Declaration, the BPA may require the Industrial User to apply for a Wastewater Discharge Agreement Industrial Users which are not required by the BPA to apply for a Wastewater Discharge Agreement shall comply with the provisions of this ordinance.
3. Each Agreement application shall include the following and be accompanied by an appropriate review fee as directed by the BPA:
 - a. The name, address and location of the discharger.

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- b. The SIC number of the applicant according to the Standard Industrial Classification Manual, Bureau of the Budget, 1987, as amended.
- c. The wastewater constituents and characteristics in the anticipated discharge as determined by bonafide chemical and biological analyses. Sampling and analysis shall be performed in accordance with procedures established by the EPA and contained in 40 CFR, Part 136, as amended.
- d. The anticipated time and duration of discharges, the average and peak flows and seasonal variations, if any.
- e. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation of the applicant's premises upon request.
- f. A description of the activities, facilities and plant processes on the premises, including all materials which are discharged to the sewerage system and their discharge points in the applicant's sewer collection system.
- g. Disclosure of product by type, amount, process or processes and rate of production as requested.
- h. Disclosure of the type and amount of raw materials utilized.
- i. All waste manifests or approved summary sheets and material safety data sheets upon request.
- j. All Agreement applications for new or modified Agreements shall be signed by an authorized representative of the discharger and all renewal applications for existing Agreements shall be signed by an authorized representative of the discharger;

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4. The BPA shall evaluate the completed application and data furnished by the discharger and may require, at that time, additional information. Upon review, the Village may issue a Wastewater Discharge Agreement. In the event that the Village does not issue a Wastewater Discharge Agreement, but permits the proposed discharge, the discharger shall comply with all requirements of this ordinance.

5. The following agreement conditions shall apply to all agreements as conditions precedent to issuance.
 - a. Shall include the limits on the average and maximum wastewater constituents and characteristics if amended from this ordinance, Categorical Pretreatment Standards, and State and local law. Agreements may include a limit on total flow. An increase in flow greater than the permitted flow requires prior written approval of the Village.
 - b. Shall include the requirements for installation and maintenance of inspection and sampling facilities.
 - c. Shall include special conditions as the BPA may reasonably require under particular circumstances of a given discharge including self monitoring, sampling locations, frequency of sampling, number, types and standards for tests, reporting schedule and notification and recordkeeping requirements.
 - d. May include compliance schedules.
 - e. May include those requirements for submission of special technical reports or discharge reports where same differ from those prescribed by this Section.
 - f. All Wastewater Discharge Agreements are issued to a specific discharger for a specific operation and period of time. Agreements are not assignable or transferable to another discharger or location

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without the prior notification to the Superintendent and written approval of the BPA.

- g. Shall include a statement of applicable civil and criminal penalties for violation of Wastewater Discharge Agreement.
6. Agreement Modifications: The Village reserves the right to amend any Wastewater Discharge Agreement issued hereunder in order to assure compliance by the Village with applicable laws and regulations. All National Categorical Pretreatment Standards adopted after the promulgation of the Ordinance shall, without further action by the Village, become part of this Ordinance upon their effective date. A discharger with an existing Wastewater Discharge Agreement shall submit to the BPA within 180 days after the promulgation of an applicable National Categorical Pretreatment Standard, the amended information required by Sections 904.59 and 904.60. New source dischargers shall submit to the BPA at least ninety (90) days prior to commencement of discharge, the amended information required by Sections 904.59 and 904.60. The discharger shall be informed of any proposed changes in this Agreement at least thirty (30) days prior to the effective date of change in such permit. Any changes or new conditions in the Agreement shall include a reasonable time schedule for compliance.

The BPA may, at any time on their own initiative or in response to a petition received from an SIU, determine that a noncategorical Industrial User is not an SIU if the Industrial User has no reasonable potential to adversely affect the WWTP's operation, in the opinion of the BPA, for violating any Pretreatment Standard or Requirement.

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7. Agreement Duration: New and modified Wastewater Discharge Agreements shall be issued for a specific time period not to exceed five (5) years. The discharger shall apply for agreement reissuance a minimum of 180 days prior to the expiration of the existing agreement.

8. Compliance Schedules: where additional pretreatment and/or operation and maintenance activities will be required to comply with this Ordinance, the discharger shall provide a declaration of the shortest schedule by which the discharger will provide such additional pretreatment and/or implementation of additional operation and maintenance activities. The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the discharger to comply with the requirements of this Ordinance or Categorical Pretreatment Standard including, but not limited to, dates relating to hiring an engineer, hiring other appropriate personnel, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, startup of operations and all other acts necessary to achieve compliance with this Ordinance.

Upon completing final plans, all required permits shall be obtained by the discharger. If required by EPA, a PTI shall be obtained by the discharger prior to construction. Final plans shall be signed by an authorized representative of the discharger and certified by a qualified engineer who is a licensed professional.

Under no circumstances shall the BPA permit a time increment in the compliance schedule for any single step directed toward compliance which exceeds nine (9) months.

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Not later than fourteen (14) days following each milestone date in the schedule and final date for compliance, the discharger shall submit a progress report to the BPA including no less than a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment or progress, the reason for delay and the steps being taken by the discharger to return the construction to the approved schedule. In no event shall more than nine (9) months elapse between such progress reports to the BPA.

9. Short term or one time Agreements: For short term or one time Agreements the Village may waive the Agreement application and issuance process in part or in whole. Any such short term or one time Agreement issued by the Village shall be for a specific operation for a specific period of time.

904.61 REPORTING REQUIREMENTS

1. Compliance Data Report: Within ninety (90) days following the date for final compliance by the SIU with applicable Pretreatment Standards set forth in the Industrial User's Wastewater Discharge Agreement or ninety (90) days following commencement of the introduction of wastewater into the sewerage system by a new discharger, any discharger subject to this Ordinance shall submit to the Superintendent 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 operations and maintenance and/or pretreatment is necessary to bring the discharger

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into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the discharger.

2. Periodic Compliance Reports: All SIU's shall submit periodic compliance reports indicating the nature and concentration of pollutants in their discharge. The frequencies of monitoring and reporting and the pollutants to be analyzed shall be prescribed in the Wastewater Discharge Agreement. All analyses shall be performed in accordance with procedures established in 40 CFR 136 and amendments thereto. When 40 CFR 136 does not include sampling or analytical techniques or the techniques are inappropriate, alternative methods may be approved by the BPA. In addition, the report shall include a record of all measured or estimated average and maximum daily flows during the reporting period. Flows shall be reported on the basis of actual measurement provided; however, where cost or feasibility considerations justify, the BPA may accept reports of average and maximum flows estimated by verifiable techniques. The BPA, for good cause, considering those factors such as local high or low flow rates, holidays, budget cycles or other extenuating factors, may require the submission of the reports on months other than those specified above. This report shall be signed by an authorized representative of the discharger.
3. If sampling performed by any discharger indicates a violation, the discharger shall notify the Superintendent within 24 hours of becoming aware of the violation. The discharger shall repeat the sampling and analysis and submit the results within thirty (30) days after becoming aware of the violation. If a discharger monitors any pollutant more frequently than required by the BPA using the procedures prescribed in

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40 CFR 403.12, the results of this monitoring shall be included in the periodic compliance report.

4. All dischargers shall notify the Superintendent in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 CFR 403.12(P).

904.62 MONITORING FACILITIES

1. Each person or governmental entity applying for a Wastewater Discharge Agreement, so directed by the BPA, shall provide and operate, at the discharger's own expense, a monitoring facility to allow inspection, sampling and flow measurement of each sewer discharge to the Village. Each monitoring facility shall be situated on the discharger's premises. Except where a location would be impractical or cause undue hardship on the discharger, the BPA may concur with the facility being constructed in the public street or sidewalk area, providing the facility is located so it will not be obstructed by landscaping, utilities, parked vehicles and shall be accessible at all times. There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the discharger. All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days, unless specified otherwise by the BPA, on receipt of written notice from the BPA directing the discharger to construct the facilities.

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2. All dischargers, if directed by the BPA, shall have an inspection and sampling manhole or structure with an opening of no less than 24 inches diameter and an internal diameter of no less than 48 inches containing such flow measuring, recording and sampling equipment as may be required by the BPA to ensure compliance with this Ordinance. Such structure may be utilized by the discharger for his monitoring program if approved by the BPA. The discharger shall obtain all required permits prior to construction of monitoring facilities.

904.63 INSPECTION AND SAMPLING

1. The Village may inspect the facilities of any discharger to determine compliance with the requirements of the Sewer Use and Industrial Pretreatment Code. The discharger shall allow the Village or its representatives, without prior notice, upon presentation of credentials of identification, to enter upon the premises of a discharger at all hours for the purposes of inspection, sampling, observation, measurement, testing, records examination or in the performance of any of their duties. Delays in permitting access by Village personnel in excess of ten (10) minutes shall be considered a violation of the Wastewater Discharge Permit and this Ordinance subject to notification of a violation of Section 904.68. The Village shall have the right to set up, on the discharger's property, necessary devices to conduct sampling, inspection, compliance monitoring, metering operation or all of these. The Village shall have the right to copy the discharger's records relevant to determining compliance with the requirements of this ordinance.
2. Additional Sampling requirements may be included in the Wastewater Discharge Agreement issued by the Village.

904.64 CONFIDENTIAL INFORMATION

Information and data furnished to the Village with respect to the nature and frequency of discharge shall be available to the public or other government agency without restriction unless the discharger specifically requests and is able to demonstrate to the satisfaction of the Village the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the discharger. When requested by the discharger furnishing a report, the portions of a report which may disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for use related to this Ordinance, the NPDES Permit, State Disposal System Permit, the Pretreatment Program or all of these, 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 discharger furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the Village as confidential shall not be transmitted to any party except as provided herein and unless a 10-day notification is given to the discharger.

904.65 CHARGES AND FEES

1. The Village shall adopt charges and fees which may include:
 - a. Charges and fees for monitoring, inspections and surveillance procedures including all costs associated with sampling and analyses for Total Toxic Organics (TTO's) which are required pursuant to categorical pretreatment requirements.;
 - b. Charges and fees for permit applications;
 - c. Charges and fees for filing appeals;

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- d. Charges and fees for reviewing accidental discharge incidents and their associated investigation and analyses;
 - e. Charges and fees for discharge in violation of the standards set forth herein;
 - f. Charges and fees for violation of procedural and reporting requirements set forth herein;
 - g. Charges and fees, including Administrative Fines for failure to comply with any provisions of Sections 904.01 through 904.99, National Categorical Standards or orders of any court of competent jurisdiction of permits issued herewith of this Ordinance, an order, an administrative order and compliance schedule. An Administrative Fine shall be paid by dischargers required to appear at an Administrative Adjustment or Show Cause Hearing.
 - h. Charges and fees for reviewing plans and PTI Applications for the construction of new or modified facilities relating to this title.
 - i. Charges and Administrative Fines outlined in Section 904.65 apply to first and second level violations, up to and through the Administrative Adjustment Hearing, Section 904.69. Each charge and Administrative Fine shall be in the amount not to exceed \$2,000 for each violation for each day the violation continues.
2. Fees for services provided by the Village outlined in Section 904.65 shall be in the amount of a fee schedule provided by the BPA, as amended from time to time.

904.66 EMERGENCY SUSPENSION OF SERVICE AND DISCHARGE AGREEMENT

The Village may, for good cause shown, suspend the wastewater treatment service and the Wastewater Discharge Agreement of a discharger when it appears to the Village that an actual or threatened discharge presents or threatens an imminent or

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substantial danger to the health or welfare of persons, substantial danger to the environment, interfere with the operation of the WWTP, result in pass through of the WWTP, violate any pretreatment limits imposed by this Ordinance or any Wastewater Discharge Agreement issued pursuant to this Ordinance. Any discharger notified of the suspension of the Village's wastewater treatment service or the discharger's Wastewater Discharge Agreement shall, within reasonable period of time as determined and ordered by the Village, cease all discharges.

904.67 REVOCAION OF AGREEMENT

The Village may revoke the Wastewater Discharge Agreement and treatment services of any discharger which violates the conditions of his Agreement or this Ordinance or any final judicial order entered with respect thereto.

904.68 NOTIFICATION OF VIOLATION (First Level Enforcement)

Whenever the Village finds that any discharger has violated its Wastewater Discharge Agreement or this Ordinance, the Superintendent shall serve verbal or written notice stating the nature of the alleged violation and the amount of charges and fees per Section 904.65 of this Code. No later than thirty (30) days after the notification, the discharger shall respond personally or in writing advising the BPA of it position. Thereafter, the parties shall meet, if required, to establish a plan for correction in the form of an order or compliance schedule. When a violation is not corrected in a timely manner, the BPA may order the discharger to pay an Administrative Fine and appear at an Administrative Adjustment Hearing.

904.69 ADMINISTRATIVE ADJUSTMENT HEARING (Second Level Enforcement)

Whenever the Village finds that any discharger has engaged in conduct which justifies revocation of a Wastewater Discharge Agreement, pursuant to Sections 904.66 and 904.67 hereof, the Village shall serve or cause to be served upon such discharger, a written notice either personally or by certified or registered mail, return

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receipt requested, stating the nature of the alleged violation and the amount of the Administrative Fine. Within thirty (30) days of the date of receipt of the notice, the industrial discharger shall respond personally or in writing advising of its position with respect to the allegations. Thereafter, the parties shall meet to ascertain the veracity of the allegations and, where necessary, establish a plan for the satisfactory correction thereof in the form of a Consent Order. The Administrative Adjustment Hearing shall be officiated by the Mayor or his authorized representative. Failure to comply with a Consent Order is a violation of this Section and warrants escalation to a Show Cause Hearing.

904.70 SHOW CAUSE HEARING (Third Level Enforcement)

Where the violation of Section 904.68 hereof is not corrected by timely compliance by means of Administrative Adjustment Hearing, the Village may order any discharger which causes or allow conduct prohibited by Sections 904.66 and 904.67 hereof, to show cause why the proposed permit revocation action should not be taken. A written notice shall be served on the discharger by personal service, certified or registered mail, return receipt requested, specifying the time and place of a hearing to be held by the Village or its designed regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action, the amount of the Administrative Fine not to exceed \$5,000 for each violation and directing the discharger to show cause before the Village or its designed why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than ten (10) days before the hearing. Service may be made on any agent, officer or authorized representative of a discharger. The proceedings at the hearing shall be considered by the Village which shall then enter appropriate orders with respect to the alleged improper activities of the discharger. The orders may be in the form of a Compliance Order or a Cease and Desist Order. Appeal of those orders and Administrative Fine may be taken by the discharger in accordance with applicable State Law.

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904.71 JUDICIAL PROCEEDINGS

Following the entry of any order by the Village with respect to the conduct of a discharger contrary to the provisions of this Section, the Solicitor for the Village may, following the authorization of such action by the Village, commence an action for appropriate legal and/or equitable relief in the appropriate courts.

904.72 RIGHT OF APPEAL

Any discharger or any interested party shall have the right to request, in writing, an interpretation or ruling by the Village or any matter covered by this Ordinance and shall be entitled to a prompt written reply. In the event that such inquiry is by a discharger and deals with matters of performance or compliance with this Ordinance or deals with a Wastewater Discharge Agreement issued pursuant hereto for which enforcement activity relating to an alleged violation is the subject, receipt of a discharger's request shall stay all enforcement proceedings pending receipt of the aforesaid written reply with the exception of emergency suspension of service under Section 904.66. Appeal of any final judicial order entered pursuant to this Ordinance may be taken in accordance with applicable State Law.

904.73 OPERATION UPSETS

1. Any discharger which experiences an upset in operation or bypass which places the discharger in a temporary state of noncompliance with the Wastewater Discharge Agreement or this Ordinance shall inform the Superintendent thereof immediately upon first awareness of the commencement of the upset. Where such information is given orally, a written follow-up report thereof shall be filed by the discharger with the BPA within five (5) days. The report shall specify:

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- a. Description of the upset, the cause thereof and the upset's impact on a discharger's compliance status;
 - b. Duration of noncompliance, including exact dates and times of noncompliance and, if the noncompliance continues, the time by which compliance is reasonably expected to occur; and
 - c. All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset for other conditions of noncompliance.
2. When it can be demonstrated that circumstances which would create an unreasonable burden on the person to comply with the time schedule imposed by this Ordinance, a request for extension of time may be presented for consideration by the BPA.
 3. Failure to report an upset or bypass and failure to report within the described time period shall give cause for charges and fees per Section 904.65.
 4. Notification of an upset or bypass does not preclude or prevent enforcement action by the Village.

904.74 OTHER REMEDIES

Notwithstanding any other enforcement procedure listed in this Ordinance, whenever it is determined there is a substantial danger to the public health or welfare or a substantial danger to the environment or of interfering with the WWTP due to the acts or omissions of any discharger, the Village may, through its appropriate officials, seek a temporary restraining order, temporary permanent injunction or abatement in the Court of Common Pleas and shall not be required under these conditions to exhaust the administrative procedures within this Ordinance as a condition precedent to the commencement of that action.

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904.75 RECOVERY OF COST INCURRED BY THE VILLAGE

1. Any discharger, person and/or governmental entity violating any of the provisions of this Ordinance, who discharges or causes a discharge producing a deposit or obstruction or causes damage to or impairs the Village's Wastewater Disposal System shall be liable to the Village for any expense, loss or damage caused by such violation or discharge. Refusal to pay the assessed costs shall constitute a violation of this Ordinance enforceable under the provisions of Section 904.99 or other applicable Sections of this Ordinance or of applicable State Law.

2. Falsifying Information: Any discharger, person and/or governmental entity who knowingly makes any false statement representation or certification in any application, record, report, plan or other documents filed or required to be maintained pursuant to this Ordinance, or Wastewater Discharge Permit, or who falsifies, tampers with or knowingly renders inaccurate, any monitoring device or method required under this Ordinance, is guilty of a misdemeanor of the first degree and shall be fined not more than One Thousand Dollars (\$1,000) and imprisoned not more than six (6) months and subject to civil penalties. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

904.76 COMMERCIAL METERED ACCOUNTS

1. Any Commercial User that desires to have its User charges determined on a water consumption basis shall have an approved S-meter installed for such purpose, for those on a private well system, or for those connected to a municipal water supply.

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2. Prior to conversion from a non-metered commercial account to a metered account, such Commercial User, shall make application to the Village, in the form of Exhibit A “(Institution, Commercial or Industrial Facility Water Meter PTI Application” for such purpose to the Village Engineer. Such Application shall be duly completed by the applicant or its designee, and shall include the Application Fee of \$150.00.

3. In addition to the above Application and Application Fee, the applicant shall include detailed drawings, in a format dictated by the Village Engineer, providing a description of the premises to be metered; the identification of the sewer accounts affected by such application; the number of meters to be installed; the type of meter; the model number of the meter; a diagram of all existing and proposed fixtures for the premises; well locations, pump locations, tank locations; and the location of any and all internal and external monitoring sensors for the meter.

4. The Village Engineer, or his/her designee, shall review such drawings within fifteen (15) days of any submittal, and if necessary, request further information, plans, or drawings. If said submittal is complete, the Village Engineer, or his/her designee, shall approve the application or deny the application. If the application is denied, the Village Engineer shall specify the reasons for such denial. Any applicant shall be entitled to appeal the denial of its application in accordance with Section 904.72 of this Ordinance.

5. If the application is granted, the Village Engineer shall, in consultation with the Village or its sewer billing clerk designee, assign a new account number for the users and de-activate all accounts replaced by such installation. Prior to activation of any new metered account, the Village

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Engineer shall inspect and approve such meter(s) installations, and notify the Village of such approval.

6. All meter installations shall be in accordance with applicable building code ordinances and and other such regulations, and shall be performed by a duly licensed contractor, registered to perform such functions within the Village.
7. All requests for meter applications for commercial accounts shall take into account Section 904.12 of this Ordinance, which requires a separate and independent sewer connection.
8. In considering an application for a commercial metered account, the Village Engineer shall take into account Section 904.12, as well as whether the individual occupant/user of any commercial building or part thereof, independently has or can discharge directly and/or independently into the Village's WWTP, due to the existence of fixtures for such purpose in said user's individual suite, unit, or other segregated commercial space.
9. Further, the Village Engineer's review of any such application for commercial sewer metered account shall consider whether such applicant is, intends, or may be deemed a separate and distinct commercial account of the City of Canton public water supply system.
10. To the extent that it is possible, and not otherwise in contravention of this Ordinance or any other Ordinance of the Village, all commercial public water accounts of the City of Canton that utilize sewer service from the Village, shall be converted to a commercial metered sewer account upon connection to the City of Canton public water system.

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904.99 PENALTIES

1. Whoever is found to have violated an order of the Village or who has failed to comply with any provisions of Section 904.01 through 904.75 and the regulations or rules of the Village or orders of any court of competent jurisdiction or permits issued hereunder, is guilty of a misdemeanor of the first degree and shall be fined not more than One Thousand Dollars (\$1,000) and imprisoned not more than six (6) months. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

2. Civil Penalties:
 - a. Any discharger, Significant Industrial User, person or governmental entity who is found to have violated or order of the Village or who has failed to comply with an provision of this Ordinance and the regulations or Rules of the Village or orders of any court of competent jurisdiction or permits issued hereunder, shall be subject to the imposition of a civil penalty. Such civil penalty shall be in an amount not to exceed Twenty-Five Thousand Dollars (\$25,000) per day for each day of violation concerning Pretreatment Standards and requirements as specified in Sections 904.01 through 904.75.
 - b. All other civil penalty violations shall be in an amount of not more than Twenty-Five Thousand Dollars (\$25,000) per day for all other violations.
 - c. All civil penalties shall be deemed to be also based on a breach of the Wastewater Discharge Agreement issued and of any orders issued in considering whether a violation has occurred.