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CITY OF NORTH RIDGEVILLE, OHIO
PRETREATMENT ORDINANCE

ORDINANCE NO. [_____]

SECTION 1—GENERAL PROVISIONS

1.1 Purpose and Policy

This ordinance sets forth uniform requirements for domestic and industrial users, hauled Septage and hauled industrial wastewater of The French Creek Sewer District of the City of North Ridgeville and enables The French Creek Sewer District to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the *Code of Federal Regulations* [CFR] Part 403). The objectives of this ordinance are:

- A. To prevent the introduction of pollutants into The French Creek Sewer District that will interfere with its operation;
- B. To prevent the introduction of pollutants into The French Creek Sewer District that will pass through the French Creek Treatment Works, inadequately treated and discharged into the French Creek receiving waters, or otherwise be incompatible with normal operation of The French Creek Sewer District;
- C. To protect both The French Creek Sewer District personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. To promote reuse and recycling of industrial wastewater and sludge from The French Creek Sewer District;
- E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of The French Creek Sewer District; and
- F. To enable The City of North Ridgeville to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This ordinance shall apply to all Users of The French Creek Sewer District. The ordinance authorizes the issuance of individual wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User self monitoring and reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

133 **1.2 Administration**

134
135 Except as otherwise provided herein, the Director shall administer, implement, and enforce
136 the provisions of this ordinance. Any powers granted to or duties imposed upon the Director
137 may be delegated by the Director to the Superintendent or to a duly authorized City employee.
138

139 **1.3 Abbreviations**

140
141 The following abbreviations, when used in this ordinance, shall have the designated
142 meanings:
143

- 144 BOD – Biochemical Oxygen Demand
- 145 BMP – Best Management Practice
- 146 BMR – Baseline Monitoring Report
- 147 CFR – *Code of Federal Regulations*
- 148 CIU – Categorical Industrial User
- 149 COD – Chemical Oxygen Demand
- 150 EPA – U.S. Environmental Protection Agency
- 151 gpd – gallons per day
- 152 IU – Industrial User
- 153 mg/l – milligrams per liter
- 154 NPDES – National Pollutant Discharge Elimination System
- 155 NSCIU – Non-Significant Categorical Industrial User
- 156 POTW – Publicly Owned Treatment Works
- 157 RCRA – Resource Conservation and Recovery Act
- 158 SIU – Significant Industrial User
- 159 SNC – Significant Noncompliance
- 160 TSS – Total Suspended Solids
- 161 U.S.C. – United States Code

162
163 **1.4 Definitions**

164
165 Unless a provision explicitly states otherwise, the following terms and phrases, as used in this
166 ordinance, shall have the meanings hereinafter designated.
167

- 168 A. **Act or “the Act.”** The Federal Water Pollution Control Act, also known as the Clean
169 Water Act, as amended, 33 U.S.C. section 1251 et seq.
- 170
- 171 B. **Approval Authority.** The State of Ohio Director of Environmental Protection Agency.
- 172
- 173 C. **Authorized or Duly Authorized Representative of the User.**

174
175 (1) If the User is a corporation:

- 176
- 177 (a) The president, secretary, treasurer, or a vice-president of the corporation
178 in charge of a principal business function, or any other person who

179 performs similar policy or decision-making functions for the corporation;
180 or

181
182 (b) The manager of one or more manufacturing, production, or operating
183 facilities, provided the manager is authorized to make management
184 decisions that govern the operation of the regulated facility including
185 having the explicit or implicit duty of making major capital investment
186 recommendations, and initiate and direct other comprehensive measures
187 to assure long-term environmental compliance with environmental laws
188 and regulations; can ensure that the necessary systems are established or
189 actions taken to gather complete and accurate information for individual
190 wastewater discharge permit [or general permit {optional}] requirements;
191 and where authority to sign documents has been assigned or delegated to
192 the manager in accordance with corporate procedures.

193
194 (2) If the User is a partnership or sole proprietorship: a general partner or proprietor,
195 respectively.

196
197 (3) If the User is a Federal, State, or local governmental facility: a director or highest
198 official appointed or designated to oversee the operation and performance of the
199 activities of the government facility, or their designee.

200
201 (4) The individuals described in paragraphs 1 through 3, above, may designate a Duly
202 Authorized Representative if the authorization is in writing, the
203 authorization specifies the individual or position responsible for the overall
204 operation of the facility from which the discharge originates or having overall
205 responsibility for environmental matters for the company, and the written
206 authorization is submitted to the Director.

207
208 D. **Biochemical Oxygen Demand or BOD.** The quantity of oxygen utilized in the
209 biochemical oxidation of organic matter under standard laboratory procedures for five (5)
210 days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

211
212 E. **Best Management Practices or BMPs.** Means schedules of activities, prohibitions of
213 practices, maintenance procedures, and other management practices to implement the
214 prohibitions listed in Section 2.1 A and B [40 CFR 403.5(a) (1) and (b)]. BMPs include
215 treatment requirements, operating procedures, and practices to control plant site runoff,
216 spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs
217 also include alternative means (i.e., management plans) of complying with, or in place of
218 certain established categorical Pretreatment Standards and effluent limits.

219

- 220 F. **Categorical Pretreatment Standard or Categorical Standard.** Any regulation
221 containing pollutant discharge limits promulgated by EPA in accordance with sections
222 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users
223 and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
224
- 225 G. **Categorical Industrial User.** An Industrial User subject to a categorical Pretreatment
226 Standard or categorical Standard.
227
- 228 H. **City.** The City of North Ridgeville.
229
- 230 I. **Chemical Oxygen Demand or COD.** A measure of the oxygen required to oxidize all
231 compounds, both organic and inorganic, in water.
232
- 233 J. **Control Authority.** The City of North Ridgeville, Ohio.
234
- 235 K. **Daily Maximum.** The arithmetic average of all effluent samples for a pollutant collected
236 during a calendar day.
237
- 238 L. **Daily Maximum Limit.** The maximum allowable discharge limit of a pollutant during a
239 calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily
240 discharge is the total mass discharged over the course of the day. Where Daily Maximum
241 Limits are expressed in terms of a concentration, the daily discharge is the arithmetic
242 average measurement of the pollutant concentration derived from all measurements taken
243 that day.
244
- 245 M. **Director.** Means the Director of Safety-Service for the City of North Ridgeville, Ohio.
246
- 247 N. **Discharger.** Same as “Industrial User.”
248
- 249 O. **District.** Means the French Creek Sewer District consisting of the City of North Ridgeville,
250 the City of Avon, and the Village of Sheffield, or any other area serviced by the District.
251
- 252 P. **Environmental Protection Agency or EPA.** The U.S. Environmental Protection Agency
253 or, where appropriate, the Regional Water Management Division Director, the Regional
254 Administrator, or other duly authorized official of said agency.
255
- 256 Q. **Existing Source.** Any source of discharge that is not a “New Source.”
257
- 258 R. **Grab Sample.** A sample that is taken from a wastestream without regard to the flow in the
259 wastestream and over a period of time not to exceed fifteen (15) minutes.
260
- 261 S. **Indirect Discharge or Discharge.** The introduction of pollutants into the POTW from any
262 nondomestic source.
263
- 264 T. **Industrial Waste.** Any substance which, alone or in conjunction with a discharge or
265 discharges from other sources, both: (1) inhibits or disrupts the French Creek WPCP, its
266 treatment processes or operations, or its sludge processes, use or disposal; and, (2) therefore

- 267 is a cause of a violation of any requirement of the French Creek NPDES Permit (including
268 an increase in the magnitude or duration of a violation) or of the prevention of sewage
269 sludge use or disposal.
270
- 271 U. **Industrial Waste Hauler.** Hauler of industrial wastewater permitted to bring wastewater to
272 the French Creek WPCP.
273
- 274 V. **Instantaneous Limit.** The maximum concentration of a pollutant allowed to be discharged
275 at any time, determined from the analysis of any discrete or composited sample collected,
276 independent of the industrial flow rate and the duration of the sampling event.
277
- 278 W. **Interference.** A discharge that, alone or in conjunction with a discharge or discharges
279 from other sources, inhibits or disrupts the POTW, its treatment processes or operations or
280 its sludge processes, use or disposal; and therefore, is a cause of a violation of the City’s
281 NPDES permit or of the prevention of sewage sludge use or disposal in compliance with
282 any of the following statutory/regulatory provisions or permits issued thereunder, or any
283 more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal
284 Act, including Title II commonly referred to as the Resource Conservation and Recovery
285 Act (RCRA); any State regulations contained in any State sludge management plan
286 prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the
287 Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
288
- 289 X. **Law Director.** The Director of Law of the City of North Ridgeville, or his authorized
290 deputy.
291
- 292 Y. **Local Limit.** Specific discharge limits developed and enforced by the City of North
293 Ridgeville upon industrial or commercial facilities to implement the general and specific
294 discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
295
- 296 Z. **Medical Waste.** Isolation wastes, infectious agents, human blood and blood products,
297 pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially
298 contaminated laboratory wastes, and dialysis wastes.
299
- 300 AA. **Monthly Average.** The sum of all “daily discharges” measured during a calendar month
301 divided by the number of “daily discharges” measured during that month.
302
- 303 BB. **Monthly Average Limit.** The highest allowable average of “daily discharges” over a
304 calendar month, calculated as the sum of all “daily discharges” measured during a calendar
305 month divided by the number of “daily discharges” measured during that month.
306

307 **CC. New Source.**

308

309 (1) Any building, structure, facility, or installation from which there is (or may be) a
310 discharge of pollutants, the construction of which commenced after the publication of
311 proposed Pretreatment Standards under section 307(c) of the Act that will be applicable
312 to such source if such Standards are thereafter promulgated in accordance with that
313 section, provided that:

314

315 (a) The building, structure, facility, or installation is constructed at a site at which no
316 other source is located; or

317 (b) The building, structure, facility, or installation totally replaces the process or
318 production equipment that causes the discharge of pollutants at an Existing
319 Source; or

320 (c) The production or wastewater generating processes of the building, structure,
321 facility, or installation are substantially independent of an Existing Source at the
322 same site. In determining whether these are substantially independent, factors
323 such as the extent to which the new facility is integrated with the existing plant,
324 and the extent to which the new facility is engaged in the same general type of
325 activity as the Existing Source, should be considered.

326

327 (2) Construction on a site at which an Existing Source is located results in a modification
328 rather than a New Source if the construction does not create a new building, structure,
329 facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise
330 alters, replaces, or adds to existing process or production equipment.

331

332 (3) Construction of a New Source as defined under this paragraph has commenced if the
333 owner or operator has:

334

335 (a) Begun, or caused to begin, as part of a continuous onsite construction program

336

337 (i) any placement, assembly, or installation of facilities or equipment; or

338 (ii) significant site preparation work including clearing, excavation, or removal of
339 existing buildings, structures, or facilities which is necessary for the
340 placement, assembly, or installation of new source facilities or equipment; or

341

342 (b) Entered into a binding contractual obligation for the purchase of facilities or
343 equipment which are intended to be used in its operation within a reasonable time.

344 Options to purchase or contracts which can be terminated or modified without
345 substantial loss, and contracts for feasibility, engineering, and design studies do
346 not constitute a contractual obligation under this paragraph.

347

348 **DD. Noncontact Cooling Water.** Water used for cooling that does not come into direct
349 contact with any raw material, intermediate product, waste product, or finished product.

350

351 **EE. Pass Through.** A discharge which exits the POTW into waters of the United States in
352 quantities or concentrations which, alone or in conjunction with a discharge or

- 353 discharges from other sources, is a cause of a violation of any requirement of the City's
354 NPDES permit, including an increase in the magnitude or duration of a violation.
355
- 356 FF. **Person.** Any individual, partnership, co-partnership, firm, company, corporation,
357 association, joint stock company, trust, estate, governmental entity, or any other legal
358 entity; or their legal representatives, agents, or assigns. This definition includes all
359 Federal, State, and local governmental entities.
360
- 361 GG. **pH.** A measure of the acidity or alkalinity of a solution, expressed in standard units.
362
- 363 HH. **Pollutant.** Dredged spoil, solid waste, incinerator residue, filter backwash, sewage,
364 garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological
365 materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar
366 dirt, municipal, agricultural and industrial wastes, and certain characteristics of
367 wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
368
- 369 II. **Pretreatment.** The reduction of the amount of pollutants, the elimination of pollutants,
370 or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu
371 of, introducing such pollutants into the POTW. This reduction or alteration can be
372 obtained by physical, chemical, or biological processes; by process changes; or by other
373 means, except by diluting the concentration of the pollutants unless allowed by an
374 applicable Pretreatment Standard.
375
- 376 JJ. **Pretreatment Requirements.** Any substantive or procedural requirement related to
377 pretreatment imposed on a User, other than a Pretreatment Standard.
378
- 379 KK. **Pretreatment Standards or Standards.** Pretreatment Standards shall mean prohibited
380 discharge standards, categorical Pretreatment Standards, and Local Limits.
381
- 382 LL. **Prohibited Discharge Standards or Prohibited Discharges.** Absolute prohibitions
383 against the discharge of certain substances; these prohibitions appear in Section 2.1 of
384 this ordinance.
385
- 386 MM. **Properly Shredded Garbage.** Means the waste from the handling, preparing, cooking
387 and serving of food that have been shredded to such a degree that all particles shall be
388 carried freely under the flow conditions normally prevailing in public sewers, with no
389 particle greater than one-half inch (1.27 centimeters) in any dimension.
390
- 391 NN. **Publicly Owned Treatment Works or POTW.** A treatment works, as defined by
392 section 212 of the Act (33 U.S.C. section 1292), which is owned by the City of North
393 Ridgeville. This definition includes any devices or systems used in the collection,
394 storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid
395 nature and any conveyances, which convey wastewater to a treatment plant.
396
- 397 OO. **Removal.** Removal means a reduction in the amount of a pollutant in the POTW's
398 effluent or alteration of the nature of a pollutant during treatment at the POTW. The
399 reduction or alteration can be obtained by physical, chemical or biological means and

- 400 may be the result of specifically designed POTW capabilities or may be incidental to the
401 operation of the treatment system. Removal as used in this subpart shall not mean
402 dilution of a pollutant in the POTW.
403
- 404 **PP. Removal Credits.** Removal credits issued by a POTW based on capabilities of
405 equipment at the POTW to physically and chemically remove pollutants in excess of the
406 Categorical limits before introduction of the effluent to the headworks or based on the
407 capabilities of the treatment system at the POTW to remove excess pollutants without
408 the violating the NPDES permit limitations or the Sludge quality.
409
- 410 **QQ. Shall.** Is mandatory.
411
- 412 **RR. Service Director.** The Director of Safety and Service of the City of North Ridgeville,
413 or his/her authorized deputy, agent, or representative.
414
- 415 **SS. Septic Tank Waste.** Any sewage from holding tanks such as vessels, chemical toilets,
416 campers, trailers, and septic tanks.
417
- 418 **TT. Septic Waste Hauler.** A hauler permitted to discharge septic waste at the French Creek
419 Treatment WPCP.
420
- 421 **UU. Sewage.** Human excrement and gray water (household showers, dishwashing operations,
422 etc.).
423
- 424 **VV. Significant Industrial User (SIU).**
425 Except as provided in paragraphs (3) and (4) of this Section, a Significant Industrial User
426 is:
427
- 428 (1) An Industrial User subject to categorical Pretreatment Standards; or
429
 - 430 (2) An Industrial User that:
 - 431
 - 432 (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process
433 wastewater to the POTW (excluding sanitary, noncontact cooling and boiler
434 blowdown wastewater);
 - 435 (b) Contributes a process wastestream which makes up five (5) percent or more of
436 the average dry weather hydraulic or organic capacity of the POTW treatment
437 plant; or
 - 438 (c) Is designated as such by the French Creek WPCP on the basis that it has a
439 reasonable potential for adversely affecting the POTW's operation or for
440 violating any Pretreatment Standard or Requirement.
441
 - 442 (3) The City may determine that an Industrial User subject to categorical Pretreatment
443 Standards is a Non-Significant Categorical Industrial User rather than a Significant
444 Industrial User on a finding that the Industrial User never discharges more than 100
445 gallons per day (gpd) of total categorical wastewater (excluding sanitary,

446 non-contact cooling and boiler blowdown wastewater,) and the following conditions
 447 are met:

- 448
- 449 (a) The Industrial User, prior to finding, has consistently complied with all applicable
 - 450 categorical Pretreatment Standards and Requirements;
 - 451 (b) The Industrial User annually submits the certification statement required in Section
 - 452 6.1 B, together with any additional information necessary to support the
 - 453 certification statement; and
 - 454 (c) The Industrial User never discharges any untreated concentrated wastewater.
- 455
- 456 (4) Upon a finding that a User meeting the criteria in Subsection (2) of this part has no
 - 457 reasonable potential for adversely affecting the POTW's operation or for violating
 - 458 any Pretreatment Standard or Requirement, the City may at any time, on its own
 - 459 initiative or in response to a petition received from an Industrial User, and in
 - 460 accordance with procedures in 40 CFR 403.8(f) (6), determine that such User should
 - 461 not be considered a Significant Industrial User.
- 462

463 **WW. Slug Load or Slug Discharge.** Any discharge at a flow rate or concentration, which
 464 could cause a violation of the prohibited discharge standards in Section 2.1 of this
 465 ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature,
 466 including but not limited to an accidental spill or a non-customary batch Discharge,
 467 which has a reasonable potential to cause Interference or Pass Through, or in any other
 468 way violate the POTW's regulations, Local Limits or Permit conditions.

469

470 **XX. Standard Strength Sewage.** Means domestic sewage having an average concentration
 471 of not more than the following:

473 Ammonia	15 mg/l
474 Biochemical Oxygen Demand BOD ₅	200 mg/l
475 Total Suspended Solids	250 mg/l
476 Total Phosphorous, as P	10 mg/l
477 Fat, Oil and Grease (FOG)	100 mg/l

478 BOD = 0.5 COD*

479

480 *Chemical Oxygen Demand COD shall be substituted for BOD where the nature
 481 of the wastewater does not permit BOD determination.

482

483 **YY. Storm Water.** Any flow occurring during or following any form of natural precipitation,
 484 and resulting from such precipitation, including snowmelt.

485

486 **UU. Superintendent.** The person designated by Director to supervise the operation of the
 487 POTW, and who is charged with certain duties and responsibilities by this ordinance.
 488 The term also means a Duly Authorized Representative of the Superintendent.

489

490 **VV. The French Creek Water Pollution Control Plant (WPCP).** Means the sewage and
 491 wastewater treatment works which is owned and operated by the City of North
 492 Ridgeville as a POTW.

493

- 494 **WW. Total Suspended Solids or Suspended Solids.** The total suspended matter that floats
495 on the surface of, or is suspended in, water, wastewater, or other liquid, and that is
496 removable by laboratory filtering.
497
- 498 **XX. User or Industrial User.** A source of indirect discharge.
499
- 500 **YY. Wastewater.** Liquid and water-carried with industrial wastes and sewage from
501 residential dwellings, commercial buildings, industrial and manufacturing facilities, and
502 institutions, whether treated or untreated, which are contributed to the POTW.
503
- 504 **ZZ. Wastewater Treatment Plant or Treatment Plant.** That portion of the POTW which
505 is designed to provide treatment of municipal sewage and industrial waste.
506

507 **SECTION 2—GENERAL SEWER USE REQUIREMENTS**

508
509 **2.1 Prohibited Discharge Standards**

510
511 **A. General Prohibitions.** No User shall introduce or cause to be introduced into the
512 POTW any pollutant or wastewater which causes Pass Through or Interference. These
513 general prohibitions apply to all Users of the POTW whether or not they are subject to
514 categorical Pretreatment Standards or any other National, State, or local Pretreatment
515 Standards or Requirements.

516
517 **B. Specific Prohibitions.** No User shall introduce or cause to be introduced into the POTW
518 the following pollutants, substances, or wastewater:

- 519
520 (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not
521 limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F
522 (60 degrees C) using the test methods specified in 40 CFR 261.21;
523
524 (2) Any discharge into the POTW of a substance which, if otherwise disposed of,
525 would be a hazardous waste under 40 CFR Part 261;
526
527 (3) Wastewater having a pH less than 5.0 or more than 11.0, or otherwise causing
528 corrosive structural damage to the POTW or equipment;
529
530 (4) Solid or viscous substances in amounts which will cause obstruction of the flow in
531 the POTW resulting in interference or otherwise interfere with proper operation of
532 the POTW. Prohibited substances include, but are not limited to, grease,
533 uncomminuted or shredded garbage greater than one-half inch (1.27 centimeters) in
534 any dimension, manure, hair, feathers, sand, spent lime, grass clippings, and similar
535 substances;
536
537 (5) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a
538 discharge at a flow rate and/or pollutant concentration which, either singly or by
539 interaction with other pollutants, will cause Interference with the POTW;
540
541 (6) Wastewater having a temperature greater than 140 degrees F or 60 degrees C, or
542 which will inhibit biological activity in the treatment plant resulting in interference,
543 but in no case wastewater which causes the temperature at the introduction into the
544 treatment plant to exceed 104 degrees F (40 degrees C);
545
546 (7) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in
547 amounts that will cause Interference or Pass Through;
548
549 (8) Pollutants which result in the presence of toxic gases, vapors, or fumes within the
550 POTW in a quantity that may cause acute worker health and safety problems;
551
552 (9) Trucked or hauled pollutants, except at discharge points designated by the
553 Superintendent in accordance with Section 3.4 of this ordinance;

554
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- (10) No person shall access the sewer system or the French Creek WPCP for any activity including discharge of hauled septic or industrial wastes except at the French Creek WPCP and at times as designated by a permit issued the City. Any removal of manhole lids, or other access to the sewer system for purposes of discharging wastes, or without the express permission of the Superintendent, shall be considered a violation and shall be subject to enforcement action including fines and penalties allowed under the Rules and Regulations of this Ordinance.
- (11) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (12) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit;
- (13) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- (14) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the Superintendent;
- (15) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (16) Medical Wastes, except as specifically authorized by the Superintendent in an individual wastewater discharge permit;
- (17) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
- (18) Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW
- (19) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l;
- (20) Wastewaters causing two (2) readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 25% the Lower Explosive Limit of the meter.
- (21) Pollutants, substances, or wastewater prohibited by this Section shall not be processed or store in such a manner that they could be discharged to the POTW.

2.2 **National Categorical Pretreatment Standards**

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471 at all times including any removal credits that may be granted by the Superintendent under 40 CFR 403.7 “Removal Credits” and OAC 3745-3-09 (I) “General requirements governing application of pretreatment standards” and subject to approval by the Ohio EPA.

- A. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limits in accordance with Section 2.2E and 2.2F.
- B. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Superintendent may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
- C. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Superintendent shall impose an alternate limit in accordance with 40 CFR 403.6(e).
- D. A CIU may obtain a net/gross adjustment to a categorical Pretreatment Standard in accordance with the following paragraphs of this Section.
 - (1) Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User’s intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake pollutants must make application to the City. Upon request of the Industrial User, the applicable Standard will be calculated on a “net” basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (2) of this Section are met.
 - (2) Criteria.
 - a. Either (i) The applicable categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or (ii) The Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.
 - b. Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease shall not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User’s effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
 - c. Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the

648 influent value. Additional monitoring may be necessary to determine eligibility
649 for credits and compliance with Standard(s) adjusted under this Section.

650 d. Credit shall be granted only if the User demonstrates that the intake water is
651 drawn from the same body of water as that into which the POTW discharges. The
652 City may waive this requirement if it finds that no environmental degradation
653 will result.

654

655 E. When a categorical Pretreatment Standard is expressed only in terms of pollutant
656 concentrations, an Industrial User may request that the City convert the limits to
657 equivalent mass limits. The determination to convert concentration limits to mass limits is
658 within the discretion of the Superintendent. The City may establish equivalent mass
659 limits only if the Industrial User meets all the conditions set forth in Sections 2.2E(1)(a)
660 through 2.2E(1)(e) below.

661

662 (1) To be eligible for equivalent mass limits, the Industrial User must:

663 a. Employ, or demonstrate that it will employ, water conservation methods and
664 technologies that substantially reduce water use during the term of its
665 individual wastewater discharge permit;

666 b. Currently use control and treatment technologies adequate to achieve
667 compliance with the applicable categorical Pretreatment Standard, and not
668 have used dilution as a substitute for treatment;

669 c. Provide sufficient information to establish the facility's actual average daily
670 flow rate for all wastestreams, based on data from a continuous effluent flow
671 monitoring device, as well as the facility's long-term average production rate.
672 Both the actual average daily flow rate and the long-term average production
673 rate must be representative of current operating conditions;

674 d. Not have daily flow rates, production levels, or pollutant levels that vary so
675 significantly that equivalent mass limits are not appropriate to control the
676 Discharge; and

677 e. Have consistently complied with all applicable categorical Pretreatment
678 Standards during the period prior to the Industrial User's request for
679 equivalent mass limits.

680

681 (2) An Industrial User subject to equivalent mass limits must:

682 a. Maintain and effectively operate control and treatment technologies adequate
683 to achieve compliance with the equivalent mass limits;

684 b. Continue to record the facility's flow rates through the use of a continuous
685 effluent flow monitoring device;

686 c. Continue to record the facility's production rates and notify the
687 Superintendent whenever production rates are expected to vary by more than
688 20 percent from its baseline production rates determined in paragraph
689 2.2F(1)(c) of this Section. Upon notification of a revised production rate, the
690 Superintendent will reassess the equivalent mass limit and revise the limit as
691 necessary to reflect changed conditions at the facility; and

692 d. Continue to employ the same or comparable water conservation methods and
693 technologies as those implemented pursuant to paragraphs 2.2E (1) (a) of this
694 Section as long as it discharges under an equivalent mass limit.

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- (3) When developing equivalent mass limits, the Superintendent:
 - a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
 - b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
 - c. May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the Industrial User’s actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 2.6. The Industrial User must also be in compliance with Section 13.3 regarding the prohibition of bypass.

- F. The Superintendent may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Superintendent.

- G. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section (2.2) in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.

- H. Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

- I. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Superintendent within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Superintendent of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

738 2.3 **Ohio EPA Pretreatment Standards**

739

740 Users must comply with Ohio EPA Pretreatment Standard codified at OAC Chapter 3745-03
741 “Industrial Discharges to Publicly Owned Treatment Works”

742

743 2.4 **Local Limits**

744

745 A. The City is authorized to establish Local Limits pursuant to 40 CFR 403.5(c) , Ohio OAC
746 Rule 3745-3-03, and the NPDES Permit No. 3PD00043*LD.

747

748 B. The following pollutant limits are established to protect against Pass Through,
749 Interference, and to meet effluent limits and water quality criteria. No discharger shall
750 discharge or cause or allow to be discharged into the sewerage system any pollutant in
751 concentrations above those specifically permitted in a Wastewater Discharge Permit
752 issued by the City. Discharge permits shall impose maximum discharge concentration
753 limits or mass based limits where appropriate. In the absence of such specific Wastewater
754 Discharge Permit conditions, no person shall discharge at any time into the sewerage
755 system wastewater containing pollutants in excess of the following:

756

757	50	mg/l ammonia
758	0.15	mg/l arsenic
759	0.10	mg/l cadmium
760	3.0	mg/l chromium – total
761	0.50	mg/l chromium – hexavalent
762	1.91	mg/l copper
763	0.042	mg/l cyanide – free
764	0.50	mg/l lead
765	0.0004	mg/l mercury
766	0.65	mg/l molybdenum
767	0.61	mg/l nickel
768	0.10	mg/l selenium
769	0.02	mg/l silver
770	24	mg/l phosphorous, as P total
771	2.13	mg/l zinc

772

773 The above limits apply at the point where the wastewater is discharged to the POTW. All
774 concentrations for metallic substances are for total metal unless indicated otherwise. The
775 City may impose mass limitations in addition to the concentration-based limitations above.

776

777 C. The Superintendent may develop Best Management Practices (BMPs), by ordinance or in
778 individual wastewater discharge permits to implement Local Limits and the requirements
779 of Section 2.1.

780

781 **2.5 City's Right of Revision**

782

783 The City reserves the right to establish, by ordinance or in individual wastewater discharge
784 permits, more stringent Standards or Requirements on discharges to the POTW consistent
785 with the purpose of this ordinance.

786

787 **2.6 Removal Credits.**

788

789 Where applicable, the City may elect upon approval of Ohio EPA and U.S. EPA in
790 accordance with 40 CFR Part Chapter I, Subchapter N, Parts 405-471 to initiate a program to
791 treat wastewater from Categorical Users at the advanced pretreatment unit to meet the
792 Categorical Pretreatment Standard before discharging the treated wastewater to the
793 headworks. The City will issue removal credit for the specific pollutant to the CIU, before
794 accepting any wastewater for treatment and notify the Ohio EPA.

795

796 **2.7 Dilution**

797

798 No User shall ever increase the use of process water, or in any way attempt to dilute a
799 discharge, as a partial or complete substitute for adequate treatment to achieve compliance
800 with a discharge limitation unless expressly authorized by an applicable Pretreatment
801 Standard or Requirement. The Superintendent may impose mass limitations on Users who
802 are using dilution to meet applicable Pretreatment Standards or Requirements or in other
803 cases when the imposition of mass limitations is appropriate.

804

805

806 **SECTION 3 - PRETREATMENT OF WASTEWATER**

807
808 **3.1 Pretreatment Facilities**

809
810 Users shall provide wastewater treatment as necessary to comply with this ordinance and shall
811 achieve compliance with all categorical Pretreatment Standards, Local Limits, and the
812 prohibitions set out in Section 2.1 of this ordinance within the time limitations specified by US
813 EPA, the State, or the Superintendent, whichever is more stringent. Any facilities necessary
814 for compliance shall be provided, operated, and maintained at the User's expense. Detailed
815 plans describing such facilities and operating procedures shall be submitted to the
816 Superintendent and Ohio EPA for review, and shall be acceptable to the Superintendent before
817 such facilities are constructed. Ohio EPA Director is responsible for review of applications for
818 construction and modification of new sources and existing sources and the issuance of
819 construction and modification permits. The review of such plans and operating procedures
820 shall in no way relieve the User from the responsibility of modifying such facilities as
821 necessary to produce a discharge acceptable to the City under the provisions of this ordinance.
822

823 **3.2 Additional Pretreatment Measures**

- 824
- 825 A. Whenever deemed necessary, the Superintendent may require Users to restrict their
826 discharge during peak flow periods, designate that certain wastewater be discharged
827 only into specific sewers, relocate and/or consolidate points of discharge, separate
828 sewage wastestreams from industrial wastestreams, and such other conditions as may
829 be necessary to protect the POTW and determine the User's compliance with the
830 requirements of this ordinance.
831
 - 832 B. The Superintendent may require any person discharging into the POTW to install and
833 maintain, on their property and at their expense, a suitable storage and flow-control
834 facility to ensure equalization of flow. An individual wastewater discharge permit
835 may be issued solely for flow equalization.
836
 - 837 C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the
838 Superintendent, they are necessary for the proper handling of wastewater containing
839 excessive amounts of grease and oil, or sand; except that such interceptors shall not be
840 required for residential users. All interception units shall be of a type and capacity
841 approved by the Superintendent, shall be so located to be easily accessible for
842 cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired
843 by the User at their expense.
844
 - 845 D. Users with the potential to discharge flammable substances may be required to install
846 and maintain an approved combustible gas detection meter.
847
848

849 3.3 **Accidental Discharge/Slug Discharge Control Plans**

850
851 The Superintendent shall evaluate whether each SIU needs an accidental discharge/slug
852 discharge control plan or other action to control Slug Discharges. The Superintendent may
853 require any User to develop, submit for approval, and implement such a plan or take such
854 other action that may be necessary to control Slug Discharges. Alternatively, the
855 Superintendent may develop such a plan for any User. An accidental discharge/slug
856 discharge control plan shall address, at a minimum, the following:

- 857
- 858 A. Description of discharge practices, including nonroutine batch discharges;
- 859
- 860 B. Description of stored chemicals;
- 861
- 862 C. Procedures for immediately notifying the Superintendent of any accidental or Slug
- 863 Discharge, as required by Section 6.6 of this ordinance; and
- 864
- 865 D. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such
- 866 procedures include, but are not limited to, inspection and maintenance of storage areas,
- 867 handling and transfer of materials, loading and unloading operations, control of plant site
- 868 runoff, worker training, building of containment structures or equipment, measures for
- 869 containing toxic organic pollutants, including solvents, and/or measures and equipment
- 870 for emergency response.

871

872 3.4 **Hauled Wastewater to French Creek WPCP**

- 873
- 874 A. Hauled industrial wastewater to the French Creek WPCP shall be carried out under
- 875 treatment contract and an individual wastewater discharge permit issued to the generator
- 876 and approved by the City. The discharge of hauled industrial waste is subject to all other
- 877 requirements of this ordinance.
- 878
- 879 B. Industrial waste haulers must discharge loads only at locations designated by the
- 880 Superintendent. No load may be discharged without prior consent of the Superintendent.
- 881 The Superintendent will collect samples of each hauled load to ensure compliance with
- 882 applicable Standards and the individual discharge permit. The Superintendent will require
- 883 the generator of industrial waste to provide a waste analysis of any load prior to discharge.
- 884
- 885 C. Generators of industrial waste and industrial waste haulers must provide an approved non-
- 886 hazardous waste tracking form for every load in quadruple. This form shall include, at a
- 887 minimum, the name and address of the industrial waste generator and hauler, permit
- 888 number, truck identification, names and addresses of sources of waste, and volume and
- 889 characteristics of waste. The form shall identify the type of industry, known or suspected
- 890 waste constituents, and a statement that the waste shipment doesn't contain any hazardous
- 891 waste. The City doesn't accept any form of hazardous waste at the French Creek WPCP
- 892 either for storage or treatment.

893

D. SECTION 4—INDIVIDUAL WASTEWATER DISCHARGE PERMITS

4.1 Wastewater Analysis

When requested by the Superintendent, a User must submit information on the nature and characteristics of its wastewater within fifteen (15) days of the request. The Superintendent is authorized to prepare a form for this purpose and may periodically require Users to update this information.

4.2 Individual Wastewater Discharge Permit Requirement

- A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from City, except that a Significant Industrial User that has filed a timely application pursuant to Section 4.3 of this ordinance may continue to discharge for the time period specified therein.
- B. The City may require other Users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this ordinance.
- C. Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 10 through 12 of this ordinance. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

4.3 Individual Wastewater Discharge Permitting: Existing Connections

Any User required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance without a valid permit and effective permit issued by the City and who wishes to continue such discharges in the future, shall, within sixty (60) days after said date, apply to the City for an individual wastewater discharge permit in accordance with Section 4.5 of this ordinance, and shall not cause or allow discharges to the POTW to continue after ninety (90) days of the effective date of this ordinance except in accordance with an individual wastewater discharge issued by City.

4.4 Individual Wastewater Discharge Permitting: New Connections

Any User required to obtain an individual wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit, in accordance with Section 4.5 of this ordinance, must be filed at least sixty (60) days prior to the date upon which any discharge will begin or recommence.

940 4.5 **Individual Wastewater Discharge Permit Application Contents**

941

942 A. All Users required to obtain an individual wastewater discharge permit must submit a
943 permit application. The City may require Users to submit all or some of the following
944 information as part of a permit application:

945

946 (1) Identifying Information.

947 a. The name and address of the facility, including the name of the operator and
948 owner.

949 b. Contact information, description of activities, facilities, and plant production
950 processes on the premises;

951

952 (2) Environmental Permits. A list of any environmental control permits held by or for
953 the facility.

954

955 (3) Description of Operations.

956 a. A brief description of the nature, average rate of production (including each
957 product produced by type, amount, processes, and rate of production), and
958 standard industrial classifications of the operation(s) carried out by such User.

959 This description should include a schematic process diagram, which indicates
960 points of discharge to the POTW from the regulated processes.

961 b. Types of wastes generated, and a list of all raw materials and chemicals used
962 or stored at the facility which are, or could accidentally or intentionally be,
963 discharged to the POTW;

964 c. Number and type of employees, hours of operation, and proposed or actual
965 hours of operation;

966 d. Type and amount of raw materials processed (average and maximum per day);

967 e. Site plans, floor plans, mechanical and plumbing plans, and details to show all
968 sewers, floor drains, and appurtenances by size, location, and elevation, and
969 all points of discharge;

970

971 (4) Time and duration of discharges;

972

973 (5) The location for monitoring all wastes covered by the permit;

974

975 (6) Flow Measurement. Information showing the measured average daily and
976 maximum daily flow, in gallons per day, to the POTW from regulated process
977 streams and other streams, as necessary, to allow use of the combined wastestream
978 formula set out in Section 2.2C (40 CFR 403.6(e)).

979

980 (7) Measurement of Pollutants.

981 a. The categorical Pretreatment Standards applicable to each regulated process
982 and any new categorically regulated processes for Existing Sources.

983 b. The results of sampling and analysis identifying the nature and concentration,
984 and/or mass, where required by the Standard or by [the Superintendent], of
985 regulated pollutants in the discharge from each regulated process.

- 986 c. Instantaneous, Daily Maximum, and long-term average concentrations, or
- 987 mass, where required, shall be reported.
- 988 d. The sample shall be representative of daily operations and shall be analyzed in
- 989 accordance with procedures set out in Section 6.10 of this ordinance. Where
- 990 the Standard requires compliance with BMP or pollution prevention
- 991 alternative, the User shall submit documentation as required by the
- 992 [Superintendent] or the applicable Standards to determine compliance with the
- 993 Standard.
- 994 e. Sampling must be performed in accordance with procedures set out in Section
- 995 6.11 of this ordinance.

997 (8) Any requests for a monitoring waiver (or a renewal of an approved monitoring
998 waiver) for a pollutant neither present nor expected to be present in the discharge
999 based on Section 6.4 B [40 CFR 403.12(e)(2)].

1000 (9) Any other information as may be deemed necessary by [the Superintendent] to
1001 evaluate the permit application.

1002 B. Incomplete or inaccurate applications will not be processed and will be returned to **h**
1003 User for revision.

1004 **4.6 Hauled Wastewater Discharge Contract and Permit Application Contents.**

1005 A. At the discretion of the Superintendent, the Superintendent may accept hauled industrial
1006 wastewater for treatment at the advanced pretreatment unit before discharge the treated
1007 wastewater to the headworks under an agreement and an individual discharge permit
1008 approved by the City with the generator of the wastewater, if the following conditions are
1009 met:

1010 All facilities hauling wastewater for treatment and discharge by the French Creek WPCP
1011 are to be covered by a treatment agreement and an individual discharge permit must:

- 1012 (1) Involve the same or substantially similar types of operations;
- 1013 (2) Discharge the same types of wastes and contain no hazardous waste;
- 1014 (3) Require the same limitations;
- 1015 (4) Require the same or similar monitoring; and
- 1016 (5) In the opinion of the Superintendent, the wastewater more appropriately treated
1017 without interference, inhabitation to the treatment process of the French Creek
1018 WPCP or impact the sludge quality produced.

1019 B. To be covered by a treatment agreement and individual permit, the indirect discharger
1020 user must file an application using application form prepared by the Superintendent that
1021 identifies its contact information, production processes, the types of wastes generated,
1022 volume to be treated and frequency of deliveries, recent analytical reports, and any other
1023 information the Superintendent deems appropriate.

1024 C. Nothing here precludes the City from entering into multiple agreements for different
1025 wastewater streams with the User concerning different wastewater streams from a single

1033 or multiple locations operated by the same user and all agreements included under a single
1034 individual discharge permit.

1035

1036 **4.7 Septage Waste Hauler Permit**

1037

1038 A. Septage waste haulers shall have an effective permit issued by the City to deliver septage
1039 waste for treatment.

1040

1041 B. Septic waste haulers must be licensed by Lorain County Health District and shall follow
1042 tracking and documentation requirements approved by the Superintendent.

1043

1044 C. Septic tank waste shall be introduced into the POTW at locations designated by the
1045 Superintendent, and at such times as are established by the Superintendent.

1046

1047 D. Septage waste shall not violate Section 2 of this ordinance or any other requirements
1048 established by the City.

1049

1050 E. Generators of septage waste from other than residential properties must submit a signed
1051 statement stating that the septage waste is not mixed with industrial waste or hazardous
1052 waste.

1053

1054 **4.8 Application Signatories and Certifications**

1055

1056 A. All wastewater discharge permit applications, User reports and certification statements
1057 must be signed by an Authorized Representative of the User and contain the certification
1058 statement in Section 6.13 A.

1059

1060 B. If the designation of an Authorized Representative is no longer accurate because a
1061 different individual or position has responsibility for the overall operation of the facility
1062 or overall responsibility for environmental matters for the company, a new written
1063 authorization satisfying the requirements of this Section must be submitted to the
1064 Superintendent prior to or together with any reports to be signed by an Authorized
1065 Representative.

1066

1067 C. A facility determined to be a Non-Significant Categorical Industrial User by the
1068 Superintendent pursuant to 1.4 GG (3) must annually submit the signed certification
1069 statement in Section 6.13 B.

1070

1071 **4.9 Individual Wastewater Discharge Permit Decisions**

1072

1073 The Superintendent will evaluate the data furnished by the User and may require additional
1074 information. Within fifteen (15) days of receipt of a complete permit application, the
1075 Superintendent will determine whether to issue an individual wastewater discharge permit
1076 or may deny any application for an individual wastewater discharge permit for a just cause.

1077

1078 In the case of hauled wastewater, the Superintendent shall prepare a treatment agreement
1079 and individual permit stating the conditions and limitations of the permit, and defining the

1080 cost of accepting the wastewater for treatment at the advanced pretreatment unit and details
1081 surcharges for exceeding those limits. The treatment agreement and individual permit are
1082 to be approved by the Mayor of the City and the Superintendent.
1083

SECTION 5 - INDIVIDUAL WASTEWATER DISCHARGE PERMITS

5.1 Individual Wastewater Discharge Permit Duration for Domestic and Hauled Wastewater

An individual wastewater discharge permit for domestic and hauled wastewater discharger shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Superintendent. Hauled wastewater permits shall be effective for a period of three (3) years or less at the discretion of the Superintendent. Each individual wastewater discharge permit will indicate a specific date upon which it will expire.

5.2 Individual Wastewater Discharge Permit Contents

An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Superintendent to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant’s effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

- A. Individual wastewater discharge permits and hauled wastewater permits must contain:
- (1) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
 - (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with Section 5.5 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 - (3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
 - (4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
 - (5) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 6.4 B.
 - (6) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

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(7) Requirements to control Slug Discharge, if determined by the Superintendent to be necessary.

(8) Any grant of the monitoring waiver by the Superintendent (Section 6.4 B) must be included as a condition in the User’s permit [or other control mechanism].

B. Individual wastewater discharge permits or hauled waste permits may contain, but need not be limited to, the following conditions:

(1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

(3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;

(4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(5) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;

(6) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

(7) A statement that compliance with the individual wastewater discharge permit or hauled wastewater permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit; and

(8) Other conditions as deemed appropriate by the Superintendent to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

5.3 Permit Issuance Process

A. Public Notification. The Superintendent will publish in local newspaper(s) of general circulation, a notice to issue a pretreatment permit for all domestic dischargers, at least fifteen (15) days prior to issuance. The notice will indicate a location where the draft permit may be reviewed and an address where written comments may be submitted.

- 1177 B. Permit Appeals. The Superintendent shall provide public notice of the issuance of an
1178 individual wastewater discharge permit. Any person, including the User, may petition the
1179 Superintendent to reconsider the terms of an individual wastewater discharge permit
1180 within fifteen (15) days of notice of its issuance.
1181
1182 (1) Failure to submit a timely petition for review shall be deemed to be a waiver of
1183 the administrative appeal.
1184
1185 (2) In its petition, the appealing party must indicate the individual wastewater
1186 discharge permit provisions objected to, the reasons for this objection, and the
1187 alternative condition, if any, it seeks to place in the individual wastewater
1188 discharge permit.
1189
1190 (3) The effectiveness of the individual wastewater discharge permit shall not be
1191 stayed pending the appeal.
1192
1193 (4) If the Superintendent fails to act within fifteen (15) days, a request for
1194 reconsideration shall be deemed to be denied. Decisions not to reconsider an
1195 individual wastewater discharge permit, not to issue an individual wastewater
1196 discharge permit, or not to modify an individual wastewater discharge permit
1197 shall be considered final administrative actions for purposes of judicial review.
1198
1199 (5) Aggrieved parties seeking judicial review of the final administrative individual
1200 wastewater discharge permit decision must do so by filing a complaint with
1201 Lorain County Common Pleas Courts or any court of competent jurisdiction.
1202

1203 **5.4 Permit Modification**
1204

- 1205 A. The Superintendent may modify an individual wastewater discharge permit for good
1206 cause, including, but not limited to, the following reasons:
1207
1208 (1) To incorporate any new or revised Federal, State, or local Pretreatment
1209 Standards or Requirements;
1210 (2) To address significant alterations or additions to the User's operation,
1211 (3) processes, or wastewater volume or character since the time of the individual
1212 (4) wastewater discharge permit issuance;
1213 (5) A change in the POTW that requires either a temporary or permanent reduction
1214 or elimination of the authorized discharge;
1215 (6) Information indicating that the permitted discharge poses a threat to the
1216 City's POTW, Sludge beneficial use, City personnel, or the receiving waters;
1217 (7) Violation of any terms or conditions of the individual wastewater discharge
1218 permit;
1219 (8) Misrepresentations or failure to fully disclose all relevant facts in the wastewater
1220 discharge permit application or in any required reporting;
1221 (9) Revision of or a grant of variance from categorical Pretreatment Standards
1222 pursuant to 40 CFR 403.13;
1223 (10) To correct typographical or other errors in the individual wastewater discharge

1224 permit; or
1225 (11) To reflect a transfer of the facility ownership or operation to a new owner or
1226 operator where requested in accordance with Section 5.5.

1227
1228 B. The Superintendent may modify a general permit for good cause, including, but not
1229 limited to, the following reasons:

- 1230
1231 (1) To incorporate any new or revised Federal, State, or local Pretreatment
1232 Standards or Requirements;
1233 (2) A change in the POTW that requires either a temporary or permanent reduction or
1234 elimination of the authorized discharge;
1235 (3) To correct typographical or other errors in the individual wastewater discharge
1236 permit; or
1237 (4) To reflect a transfer of the facility ownership or operation to a new owner or
1238 operator where requested in accordance with Section 5.5.

1239

1240 **5.5 Individual Wastewater Discharge Permit Transfer**

1241

1242 Individual wastewater discharge permits may be transferred to a new owner or operator only
1243 if the permittee gives at least fifteen (15) days advance notice to the Superintendent and the
1244 Superintendent approves the individual wastewater discharge permit transfer. The notice to
1245 must include a written certification by the new owner or operator which:

1246

- 1247 A. States that the new owner and/or operator has no immediate intent to change the
1248 facility's operations and processes;
1249
1250 B. Identifies the specific date on which the transfer is to occur; and
1251
1252 C. Acknowledges full responsibility for complying with the existing individual wastewater
1253 discharge permit.

1254

1255 Failure to provide advance notice of a transfer renders the individual wastewater discharge
1256 permit void as of the date of facility transfer.

1257

1258 **5.6 Individual Wastewater Discharge Permit Revocation**

1259

1260 The Superintendent may revoke an individual wastewater discharge permit or hauled waste
1261 contract for good cause, including, but not limited to, the following reasons:

1262

- 1263 A. Failure to notify the Superintendent of significant changes to the wastewater prior to the
1264 changed discharge;
1265
1266 B. Failure to provide prior notification to the Superintendent of changed conditions
1267 pursuant to Section 6.5 of this ordinance;
1268
1269 C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater
1270 discharge permit application;

- 1271
- 1272 D. Falsifying self-monitoring reports and certification statements;
- 1273
- 1274 E. Tampering with monitoring equipment;
- 1275
- 1276 F. Refusing to allow the Superintendent timely access to the facility premises and records;
- 1277
- 1278 G. Failure to meet effluent limitations;
- 1279
- 1280 H. Failure to pay fines;
- 1281
- 1282 I. Failure to pay sewer charges;
- 1283
- 1284 J. Failure to meet compliance schedules;
- 1285
- 1286 K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- 1287
- 1288 L. Failure to provide advance notice of the transfer of business ownership of a permitted
- 1289 facility; or
- 1290
- 1291 M. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater
- 1292 discharge permit or contract or provisions of this ordinance.
- 1293

1294 Individual wastewater discharge permits shall be voidable upon cessation of operations or
1295 transfer of business ownership. All individual wastewater discharge permits issued to a User
1296 are void upon the issuance of a new individual wastewater discharge permit or a new contract
1297 with that User.

1298

1299 **5.7 Individual Wastewater Discharge Permit Reissuance**

1300

1301 A User with an expiring individual wastewater discharge permit or a contract shall apply for
1302 individual wastewater discharge permit reissuance by submitting a complete permit
1303 application, in accordance with Section 4.5 of this ordinance, a minimum of thirty (30) days
1304 prior to the expiration of the User’s existing individual wastewater discharge permit or
1305 contract.

1306

SECTION 6—REPORTING REQUIREMENTS

6.1 Baseline Monitoring Reports

A. Within either one ninety (90) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a) (4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Superintendent a report which contains the information listed in paragraph B, below. At least sixty (60) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the Superintendent a report which contains the information listed in paragraph B, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

B. Users described above shall submit the information set forth below.

(1) All information required in Section 4.5A (1) (a), Section 4.5A (2), Section 4.5A (3) (a), and Section 4.5A (6).

(2) Measurement of pollutants.

- a. The User shall provide the information required in Section 4.5 A (7) (a) through (d).
- b. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
- c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
- d. Sampling and analysis shall be performed in accordance with Section 6.10;
- e. The Superintendent] may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
- f. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

(3) Compliance Certification. A statement, reviewed by the User’s Authorized Representative as defined in Section 1.4 C and certified by a qualified

1354 professional, indicating whether Pretreatment Standards are being met on a
1355 consistent basis, and, if not, whether additional operation and maintenance
1356 (O&M) and/or additional pretreatment is required to meet the Pretreatment
1357 Standards and Requirements.

1358
1359 (4) Compliance Schedule. If additional pretreatment and/or O&M will be required
1360 to meet the Pretreatment Standards, the shortest schedule by which the User
1361 will provide such additional pretreatment and/or O&M must be provided. The
1362 completion date in this schedule shall not be later than the compliance date
1363 established for the applicable Pretreatment Standard. A compliance schedule
1364 pursuant to this Section must meet the requirements set out in Section 6.2 of
1365 this ordinance.

1366
1367 (5) Signature and Report Certification. All baseline monitoring reports must be
1368 certified in accordance with Section 6.13 A of this ordinance and signed by an
1369 Authorized Representative as defined in Section 1.4C.
1370

1371 **6.2 Compliance Schedule Progress Reports**

1372
1373 The following conditions shall apply to the compliance schedule required by Section
1374 6.1(B) (4) of this ordinance:

1375
1376 A. The schedule shall contain progress increments in the form of dates for the
1377 commencement and completion of major events leading to the construction and
1378 operation of additional pretreatment required for the User to meet the applicable
1379 Pretreatment Standards (such events include, but are not limited to, hiring an engineer,
1380 completing preliminary and final plans, executing contracts for major components,
1381 commencing and completing construction, and beginning and conducting routine
1382 operation);

1383
1384 B. No increment referred to above shall exceed six (6) months;

1385
1386 C. The User shall submit a progress report to the Superintendent no later than fourteen (14)
1387 days following each date in the schedule and the final date of compliance including, as a
1388 minimum, whether or not it complied with the increment of progress, the reason for any
1389 delay, and, if appropriate, the steps being taken by the User to return to the established
1390 schedule; and

1391
1392 D. In no event shall more than six (6) months elapse between such progress reports to the
1393 Superintendent.
1394

1395 **6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline**

1396
1397 Within ninety (90) days following the date for final compliance with applicable categorical
1398 Pretreatment Standards, or in the case of a New Source following commencement of the
1399 introduction of wastewater into the POTW, any User subject to such Pretreatment Standards
1400 and Requirements shall submit to the Superintendent a report containing the information

1401 described in Section 4.5A (6) and (7) and 6.1(B) (2) of this ordinance. For Users subject to
1402 equivalent mass or concentration limits established in accordance with the procedures in
1403 Section 2.2, this report shall contain a reasonable measure of the User's long-term
1404 production rate. For all other Users subject to categorical Pretreatment Standards expressed
1405 in terms of allowable pollutant discharge per unit of production (or other measure of
1406 operation), this report shall include the User's actual production during the appropriate
1407 sampling period. All compliance reports must be signed and certified in accordance with
1408 Section 6.13 A of this ordinance. All sampling will be done in conformance with Section
1409 6.11.

1410

1411 **6.4 Periodic Compliance Reports**

1412

1413 All SIUs are required to submit periodic compliance reports even if they have been
1414 designated a Non-Significant Categorical Industrial User under the provisions of Section 6.4
1415 C.

1416

1417 A. Except as specified in Section 6.4.C, all Significant Industrial Users must, at a frequency
1418 determined by the Superintendent submit no less than twice per year (June and
1419 December or on dates specified reports indicating the nature, concentration of pollutants
1420 in the discharge which are limited by Pretreatment Standards and the measured or
1421 estimated average and maximum daily flows for the reporting period. In cases where the
1422 Pretreatment Standard requires compliance with a Best Management Practice (BMP) or
1423 pollution prevention alternative, the User must submit documentation required by the
1424 Superintendent or the Pretreatment Standard necessary to determine the compliance
1425 status of the User.

1426

1427 B. The Superintendent may authorize an Industrial User subject to a categorical
1428 Pretreatment Standard to forego sampling of a pollutant regulated by a categorical
1429 Pretreatment Standard if the Industrial User has demonstrated through sampling and
1430 other technical factors that the pollutant is neither present nor expected to be present in
1431 the Discharge, or is present only at background levels from intake water and without any
1432 increase in the pollutant due to activities of the Industrial User. [see 40 CFR
1433 403.12(e)(2)] This authorization is subject to the following conditions:

1434

1435 (1) The waiver may be authorized where a pollutant is determined to be present
1436 solely due to sanitary wastewater discharged from the facility provided that the
1437 sanitary wastewater is not regulated by an applicable categorical Standard and
1438 otherwise includes no process wastewater.

1439

1440 (2) The monitoring waiver is valid only for the duration of the effective period of
1441 the individual wastewater discharge permit, but in no case longer than 5 years.
1442 The User must submit a new request for the waiver before the waiver can be
1443 granted for each subsequent individual wastewater discharge permit. See
1444 Section 4.5A(8).

1445

1446 (3) In making a demonstration that a pollutant is not present, the Industrial User
1447 must provide data from at least one sampling of the facility's process

1448 wastewater prior to any treatment present at the facility that is representative of
1449 all wastewater from all processes.

1450
1451 (4) The request for a monitoring waiver must be signed in accordance with Section
1452 1.4C, and include the certification statement in 6.13 A (40 CFR 403.6(a)(2)(ii)).

1453
1454 (5) Non-detectable sample results may be used only as a demonstration that a
1455 pollutant is not present if the EPA approved method from 40 CFR Part 136 with
1456 the lowest minimum detection level for that pollutant was used in the analysis.

1457
1458 (6) Any grant of the monitoring waiver by the [Superintendent] must be included as
1459 a condition in the User's permit. The reasons supporting the waiver and any
1460 information submitted by the User in its request for the waiver must be
1461 maintained by the [Superintendent] for 3 years after expiration of the waiver.

1462
1463 (7) Upon approval of the monitoring waiver and revision of the User's permit by the
1464 [Superintendent], the Industrial User must certify on each report with the
1465 statement in Section 6.13 C below, that there has been no increase in the
1466 pollutant in its wastestream due to activities of the Industrial User.

1467
1468 (8) In the event that a waived pollutant is found to be present or is expected to be
1469 present because of changes that occur in the User's operations, the User must
1470 immediately: Comply with the monitoring requirements of Section 6.4 A, or
1471 other more frequent monitoring requirements imposed by the Superintendent,
1472 and notify the Superintendent.

1473
1474 (9) This provision does not supersede certification processes and requirements
1475 established in categorical Pretreatment Standards, except as otherwise specified
1476 in the categorical Pretreatment Standard.

1477
1478 C. The Superintendent may reduce the requirement for periodic compliance reports to a
1479 requirement to report no less frequently than once a year, unless required more frequently
1480 in the Pretreatment Standard or by the US EPA or Ohio EPA, where the Industrial User's
1481 total categorical wastewater flow does not exceed five thousand (5,000) gallons per day,
1482 as measured by a continuous effluent flow monitoring device unless the Industrial User
1483 discharges in batches.

1484
1485 Reduced reporting is not available to Industrial Users that have in the last two (2) years
1486 been in Significant Noncompliance, as defined in Section 9 of this ordinance. In addition,
1487 reduced reporting is not available to an Industrial User with daily flow rates, production
1488 levels, or pollutant levels that vary so significantly that, in the opinion of the
1489 Superintendent, decreasing the reporting requirement for this Industrial User would result
1490 in data that are not representative of conditions occurring during the reporting period.

1491
1492 D. All periodic compliance reports must be signed and certified in accordance with Section
1493 6.13 A of this ordinance.

1494

- 1495 E. All wastewater samples must be representative of the User’s discharge. Wastewater
1496 monitoring and flow measurement facilities shall be properly operated, kept clean, and
1497 maintained in good working order at all times. The failure of a User to keep its
1498 monitoring facility in good working order shall not be grounds for the User to claim that
1499 sample results are unrepresentative of its discharge
1500
- 1501 F. If a User subject to the reporting requirement in this section monitors any regulated
1502 pollutant at the appropriate sampling location more frequently than required by the
1503 Superintendent, using the procedures prescribed in Section 6.11 of this ordinance, the
1504 results of this monitoring shall be included in the report.
1505

1506 **6.5 Reports of Changed Conditions**
1507

1508 Each User must notify the Superintendent of any significant changes to the User’s
1509 operations or system which might alter the nature, quality, or volume of its wastewater at
1510 least fifteen (15) days before the change.
1511

- 1512 A. The Superintendent may require the User to submit such information as may be deemed
1513 necessary to evaluate the changed condition, including the submission of a wastewater
1514 discharge permit application under Section 4.5 of this ordinance.
1515
- 1516 B. The Superintendent may issue an individual wastewater discharge permit under Section
1517 5.7 of this ordinance or modify an existing wastewater discharge under Section 5.4 of
1518 this ordinance in response to changed conditions or anticipated changed conditions.
1519

1520 **6.6 Reports of Potential Problems**
1521

1522 A. In the case of any discharge, including, but not limited to, accidental discharges,
1523 discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug
1524 Discharge or Slug Load, that might cause potential problems for the POTW, the User
1525 shall immediately telephone and notify the Superintendent of the incident. This
1526 notification shall include the location of the discharge, type of waste, concentration and
1527 volume, if known, and corrective actions taken by the User.
1528

1529 B. Within five (5) days following such discharge, the User shall, unless waived by the
1530 Superintendent], submit a detailed written report describing the cause(s) of the
1531 discharge and the measures to be taken by the User to prevent similar future
1532 occurrences. Such notification shall not relieve the User of any expense, loss, damage,
1533 or other liability which might be incurred as a result of damage to the POTW, natural
1534 resources, or any other damage to person or property; nor shall such notification relieve
1535 the User of any fines, penalties, or other liability which may be imposed pursuant to this
1536 ordinance.
1537

1538 C. A notice shall be permanently posted on the User’s bulletin board or other prominent
1539 place advising employees who to call in the event of a discharge described in paragraph
1540 A, above. Employers shall ensure that all employees, who could cause such a discharge
1541 to occur, are advised of the emergency notification procedure.

1542
1543 D. Significant Industrial Users are required to notify the Superintendent immediately of
1544 any changes at its facility affecting the potential for a Slug Discharge.
1545

1546 **6.7 Reports from Unpermitted Users**
1547

1548 All Users not required to obtain an individual wastewater discharge permit shall provide
1549 appropriate reports to the Superintendent as the Superintendent may require.
1550

1551 **6.8 Notice of Violation/Repeat Sampling and Reporting**
1552

1553 If sampling performed by a User indicates a violation, the User must notify the
1554 Superintendent within twenty-four (24) hours of becoming aware of the violation. The User
1555 shall also repeat the sampling and analysis and submit the results of the repeat analysis to the
1556 Superintendent within thirty (30) days after becoming aware of the violation. Resampling by
1557 the Industrial User is not required if the Superintendent performs sampling at the User's
1558 facility at least once a month, or if the Superintendent performs sampling at the User between
1559 the time when the initial sampling was conducted and the time when the User or
1560 Superintendent receives the results of this sampling, or if the Superintendent has performed
1561 the sampling and analysis in lieu of the Industrial User.
1562

1563 **6.9 Analytical Requirements**
1564

1565 All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater
1566 discharge permit application or report shall be performed in accordance with the techniques
1567 prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an
1568 applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling
1569 or analytical techniques for the pollutant in question, or where the EPA determines that the
1570 Part 136 sampling and analytical techniques are inappropriate for the pollutant in question,
1571 sampling and analyses shall be performed by using validated analytical methods or any other
1572 applicable sampling and analytical procedures, including procedures suggested by the
1573 Superintendent or other parties approved by EPA.
1574

1575 **6.10 Sample Collection**
1576

1577 Samples collected to satisfy reporting requirements must be based on data obtained through
1578 appropriate sampling and analysis performed during the period covered by the report, based
1579 on data that is representative of conditions occurring during the reporting period.
1580

1581 A. Except as indicated in Section B and C below, the User must collect wastewater
1582 samples using 24-hour flow-proportional composite sampling techniques, unless
1583 time-proportional composite sampling or grab sampling is authorized by the
1584 Superintendent. Where time-proportional composite sampling or grab sampling is
1585 authorized by the Superintendent, the samples must be representative of the discharge.
1586 Using protocols (including appropriate preservation) specified in 40 CFR Part 136
1587 and appropriate EPA guidance, multiple grab samples collected during a 24-hour
1588 period may be composited prior to the analysis as follows: for cyanide, total phenols,

1589 and sulfides the samples may be composited in the laboratory or in the field; for
1590 volatile organics and oil and grease, the samples may be composited in the laboratory.
1591 Composite samples for other parameters unaffected by the compositing procedures as
1592 documented in approved EPA methodologies may be authorized by the
1593 Superintendent as appropriate. In addition, grab samples may be required to show
1594 compliance with Instantaneous Limits.

1595
1596 B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and
1597 volatile organic compounds must be obtained using grab collection techniques.

1598
1599 C. For sampling required in support of baseline monitoring and 90-day compliance
1600 reports required in Section 6.1 and 6.3 [40 CFR 403.12(b) and (d)], a minimum of
1601 four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease,
1602 sulfide and volatile organic compounds for facilities for which historical sampling
1603 data do not exist; for facilities for which historical sampling data are available, the
1604 Superintendent may authorize a lower minimum. For the reports required by
1605 paragraphs Section 6.4 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is
1606 required to collect the number of grab samples necessary to assess and assure
1607 compliance by with applicable Pretreatment Standards and Requirements.

1608

1609 **6.11 Date of Receipt of Reports**

1610

1611 Written reports will be deemed to have been submitted on the date postmarked. For reports,
1612 which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal
1613 Service, the date of receipt of the report shall govern.

1614

1615 **6.12 Recordkeeping**

1616

1617 Users subject to the reporting requirements of this ordinance shall retain, and make available
1618 for inspection and copying, all records of information obtained pursuant to any monitoring
1619 activities required by this ordinance, any additional records of information obtained pursuant
1620 to monitoring activities undertaken by the User independent of such requirements, and
1621 documentation associated with Best Management Practices established under Section 2.4 C.
1622 Records shall include the date, exact place, method, and time of sampling, and the name of
1623 the person(s) taking the samples; the dates analyses were performed; who performed the
1624 analyses; the analytical techniques or methods used; and the results of such analyses. These
1625 records shall remain available for a period of at least three (3) years. This period shall be
1626 automatically extended for the duration of any litigation concerning the User or the City, or
1627 where the User has been specifically notified of a longer retention period by the
1628 Superintendent.

1629

1630

6.13 Certification Statements

- A. Certification of Permit Applications, User Reports and Initial Monitoring Waiver The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 4.7; Users submitting baseline monitoring reports under Section 6.1 B (5); Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 6.3; Users submitting periodic compliance reports required by Section 6.4 A–D, and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 6.4B(4). The following certification statement must be signed by an Authorized Representative as defined in Section 1.4 C:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

- B. Annual Certification for Non-Significant Categorical Industrial Users—A facility determined to be a Non-Significant Categorical Industrial User by the Superintendent pursuant to 1.4 GG(3) and 4.7 C must annually submit the following certification statement signed in accordance with the signatory requirements in 1.4 C. This certification must accompany an alternative report required by the Superintendent:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR ____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

- (a) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in 1.4 GG (3);
- (b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information.

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C. Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on Section 6.4 B must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User.

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 6.4.A.

SECTION 7 - COMPLIANCE MONITORING

7.1 Right of Entry: Inspection and Sampling

The Superintendent shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance and any individual wastewater discharge permit or order issued hereunder. Users shall allow the Superintendent ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, [the Superintendent shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Superintendent shall have the right to set up on the User’s property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User’s operations.
- C. The Superintendent may require the User to install monitoring equipment as necessary. The facility’s sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated as recommended by the manufacturer to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Superintendent and shall not be replaced. The costs of clearing such access shall be born by the User.
- E. Unreasonable delays in allowing the Superintendent access to the User’s premises shall be a violation of this ordinance.

7.2 Search Warrants

If the Superintendent has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Superintendent may seek issuance of a search warrant from the Lorain County Common Pleas Court of the State of Ohio.

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SECTION 8—CONFIDENTIAL INFORMATION

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from the Superintendent’s inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Superintendent, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

SECTION 9—PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Superintendent shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the French Creek POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section, and shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- month (6) period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Superintendent determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
- D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Superintendent’s exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or any other violation(s), which may include a violation of Best Management Practices, which the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

1803 **SECTION 10—ADMINISTRATIVE ENFORCEMENT REMEDIES**

1804
1805 **10.1 Notification of Violation**

1806
1807 When the Superintendent finds that a User has violated, or continues to violate, any provision
1808 of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or
1809 any other Pretreatment Standard or Requirement, the Superintendent may serve upon that
1810 User a written Notice of Violation. Within thirty (30) days of the receipt of such notice, an
1811 explanation of the violation and a plan for the satisfactory correction and prevention thereof,
1812 to include specific required actions, shall be submitted by the User to the Superintendent.
1813 Submission of such a plan in no way relieves the User of liability for any violations occurring
1814 before or after receipt of the Notice of Violation. Nothing in this Section shall limit the
1815 authority of the City, the Safety-Service Director or the Superintendent to take any action,
1816 including emergency actions or any other enforcement action, without first issuing a Notice of
1817 Violation.

1818
1819 **10.2 Consent Orders**

1820
1821 The City may enter into Consent Orders, assurances of compliance, or other similar
1822 documents establishing an agreement with any User responsible for noncompliance. Such
1823 documents shall include specific action to be taken by the User to correct the noncompliance
1824 within a time period specified by the document. Such documents shall have the same force
1825 and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of this
1826 ordinance and shall be judicially enforceable.

1827
1828 **10.3 Show Cause Hearing**

1829
1830 The Safety Service Director may order a User which has violated, or continues to violate, any
1831 provision of this ordinance, an individual wastewater discharge permit, or order issued
1832 hereunder, or any other Pretreatment Standard or Requirement, to appear before the Safety-
1833 Service Director and show cause why the proposed enforcement action should not be taken.
1834 Notice shall be served on the User specifying the time and place for the meeting, the proposed
1835 enforcement action, the reasons for such action, and a request that the User show cause why
1836 the proposed enforcement action should not be taken. The notice of the meeting shall be
1837 served personally or by registered or certified mail (return receipt requested) at least fifteen
1838 (15) days prior to the hearing. Such notice may be served on any Authorized Representative
1839 of the User as defined in Section 1.4 C and required by Section 4.7 A. A show cause hearing
1840 shall not be a bar against, or prerequisite for, taking any other action against the User.

1841
1842 **10.4 Compliance Orders**

1843
1844 When the Superintendent finds that a User has violated, or continues to violate, any provision
1845 of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or
1846 any other Pretreatment Standard or Requirement, the Superintendent may issue an order to the
1847 User responsible for the discharge directing that the User come into compliance within a
1848 specified time. If the User does not come into compliance within the time provided, sewer
1849 service may be discontinued unless adequate treatment facilities, devices, or other related

1850 appurtenances are installed and properly operated. Compliance orders also may contain other
1851 requirements to address the noncompliance, including additional self-monitoring and
1852 management practices designed to minimize the amount of pollutants discharged to the sewer.
1853 A compliance order may not extend the deadline for compliance established for a
1854 Pretreatment Standard or Requirement, nor does a compliance order relieve the User of
1855 liability for any violation, including any continuing violation. Issuance of a compliance order
1856 shall not be a bar against, or a prerequisite for, taking any other action against the User.

1857

1858 **10.5 Cease and Desist Orders**

1859

1860 When the Safety-Service Director finds that a User has violated, or continues to violate, any
1861 provision of this ordinance, an individual wastewater discharge permit, or order issued
1862 hereunder, or any other Pretreatment Standard or Requirement, or that the User's past
1863 violations are likely to recur, the Safety-Service Director may issue an order to the User
1864 directing it to cease and desist all such violations and directing the User to:

1865

1866

A. Immediately comply with all requirements; and

1867

1868

B. Take such appropriate remedial or preventive action as may be needed to properly
1869 address a continuing or threatened violation, including halting operations and/or
1870 terminating the discharge. Issuance of a cease and desist order shall not be a bar
1871 against, or a prerequisite for, taking any other action against the User.

1872

1873 **10.6 Administrative Fines**

1874

1875

A. When the Safety-Service Director finds that a User has violated, or continues to
1876 violate, any provision of this ordinance, an individual wastewater discharge permit, or
1877 order issued hereunder, or any other Pretreatment Standard or Requirement, the
1878 Safety-Service Director may fine such User in an amount not to exceed \$100.00.
1879 Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly
1880 or other long-term average discharge limits, fines shall be assessed for each day
1881 during the period of violation.

1882

1883

B. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed
1884 an additional penalty of 20% of the unpaid balance, and interest shall accrue thereafter
1885 at a rate of 1.5% per month. A lien against the User's property shall be sought for
1886 unpaid charges, fines, and penalties.

1887

1888

C. Users desiring to dispute such fines must file a written request for the Safety-Service
1889 Director to reconsider the fine along with full payment of the fine amount within
1890 fifteen (15) calendar days of being notified of the fine. Where a request has merit, the
1891 Safety-Service Director may convene a hearing on the matter. In the event the User's
1892 appeal is successful, the payment, together with any interest accruing thereto, shall be
1893 returned to the User. The Safety-Service Director may add the costs of preparing
1894 administrative enforcement actions, such as notices and orders, to the fine.

1895

1896 D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for,
1897 taking any other action against the User.
1898

1899 **10.7 Emergency Suspensions**
1900

1901 The Safety-Service Director may immediately suspend a User’s discharge, after informal
1902 notice to the User, whenever such suspension is necessary to stop an actual or threatened
1903 discharge, which reasonably appears to present, or cause an imminent or substantial
1904 endangerment to the health or welfare of persons. The Safety-Service Director may also
1905 immediately suspend a User’s discharge, after notice and opportunity to respond, that
1906 threatens to interfere with the operation of the POTW, or which presents, or may present, an
1907 endangerment to the environment.
1908

1909 A. Any User notified of a suspension of its discharge shall immediately stop or eliminate
1910 its contribution. In the event of a User’s failure to immediately comply voluntarily
1911 with the suspension order, the Safety-Service Director may take such steps as deemed
1912 necessary, including immediate severance of the sewer connection, to prevent or
1913 minimize damage to the POTW, its receiving stream, or endangerment to any
1914 individuals. The Safety-Service Director may allow the User to recommence its
1915 discharge when the User has demonstrated to the satisfaction of the Safety-Service
1916 Director that the period of endangerment has passed, unless the termination
1917 proceedings in Section 10.8 of this ordinance are initiated against the User.
1918

1919 B. A User that is responsible, in whole or in part, for any discharge presenting imminent
1920 endangerment shall submit a detailed written statement, describing the causes of the
1921 harmful contribution and the measures taken to prevent any future occurrence, to the
1922 Superintendent prior to the date of any show cause or termination hearing under
1923 Sections 10.3 or 10.8 of this ordinance.
1924

1925 Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency
1926 Suspension under this Section.
1927

1928 **10.8 Termination of Discharge**
1929

1930 In addition to the provisions in Section 5.6 of this ordinance, any User who violates the
1931 following conditions is subject to discharge termination:
1932

- 1933 A. Violation of individual wastewater discharge permit conditions;
- 1934
- 1935 B. Failure to accurately report the wastewater constituents and characteristics of its
1936 discharge;
- 1937
- 1938 C. Failure to report significant changes in operations or wastewater volume, constituents,
1939 and characteristics prior to discharge;
- 1940
- 1941 D. Refusal of reasonable access to the User’s premises for the purpose of inspection,
1942 monitoring, or sampling; or

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E. Violation of the Pretreatment Standards in Section 2 of this ordinance.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 of this ordinance why the proposed action should not be taken. Exercise of this option by the Safety-Service Director shall not be a bar to, or a prerequisite for, taking any other action against the User.

1952 **SECTION 11—JUDICIAL ENFORCEMENT REMEDIES**

1953

1954 **11.1 Introduction**

1955

1956 The City of North Ridgeville may take any enforcement action under this Industrial
1957 Pretreatment Program Ordinance including the enforcement of the ordinance in courts of law
1958 upon entering into multijurisdictional agreement with any of the Satellite Communities
1959 Serviced by the French Creek Water Pollution Control Plant (WPCP). Currently the Satellite
1960 Communities include the City of Avon and the Sheffield Village. The City of North
1961 Ridgeville, on behalf of and as agent for the City of Avon and the Sheffield Village may seek
1962 the following remedies:

1963

1964 **11.2 Injunctive Relief**

1965

1966 When the Safety-Service Director finds that a User has violated, or continues to violate, any
1967 provision of this ordinance, an individual wastewater discharge permit, or order issued
1968 hereunder, or any other Pretreatment Standard or Requirement, the Safety-Service Director
1969 may petition the Lorain County Common Pleas Court through the City’s Law Director for
1970 the issuance of a temporary or permanent injunction, as appropriate, which restrains or
1971 compels the specific performance of the individual wastewater discharge permit, order, or
1972 other requirement imposed by this ordinance on activities of the User. The Safety-Service
1973 Director may also seek such other action as is appropriate for legal and/or equitable relief,
1974 including a requirement for the User to conduct environmental remediation. A petition for
1975 injunctive relief shall not be a bar against, or a prerequisite for, taking any other action
1976 against a User.

1977

1978 **11.3 Civil Penalties**

1979

1980 A. A User who has violated, or continues to violate, any provision of this ordinance, an
1981 individual wastewater discharge permit, or order issued hereunder, or any other
1982 Pretreatment Standard or Requirement shall be liable to the City for a maximum civil
1983 penalty of up to \$1,000 per violation, per day. In the case of a monthly or other long-term
1984 average discharge limit, penalties shall accrue for each day during the period of the
1985 violation.

1986

1987 B. The Safety-Service Director may recover reasonable attorneys’ fees, court costs, and other
1988 expenses associated with enforcement activities, including sampling and monitoring
1989 expenses, and the cost of any actual damages incurred by the City.

1990

1991 C. In determining the amount of civil liability, the Court shall take into account all relevant
1992 circumstances, including, but not limited to, the extent of harm caused by the violation, the
1993 magnitude and duration of the violation, any economic benefit gained through the User’s
1994 violation, corrective actions by the User, the compliance history of the User, and any other
1995 factor as justice requires.

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1997 D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any
1998 other action against a User.

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11.4 Criminal Prosecution

- A. A User who willfully or negligently violates any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$1000.00 per day per violation and not more than six (6) months in jail, or both.

- B. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$1000.00, or be subject to imprisonment for not more than six (6) months years, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

- C. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than \$1000.00 per violation, per day, or imprisonment for not more than six (6), or both.

- D. In the event of a second conviction, a User shall be punished by a fine of not more than \$2000.00 per violation, per day, or imprisonment for not more than one (1) year, or both.

11.5 Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. The Safety-Service Director may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Safety-Service Director may take other action against any User when the circumstances warrant. Further, the Safety-Service Director is empowered to take more than one enforcement action against any noncompliant User.

2037 **SECTION 12—SUPPLEMENTAL ENFORCEMENT ACTION**

2038

2039 **12.1 Penalties for Late Reports**

2040

2041 A penalty of \$100.00 shall be assessed to any User for each day that a report required by this
2042 ordinance, a permit or order issued hereunder is late; beginning five days after the date the
2043 report is due. Actions taken by the Superintendent to collect late reporting penalties shall not
2044 limit the Superintendent’s authority to initiate other enforcement actions that may include
2045 penalties for late reporting violations.

2046

2047 **12.2 Payment of Outstanding Fees and Penalties**

2048

2049 The Superintendent may decline to issue or reissue an individual wastewater discharge permit
2050 to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result
2051 of any provision of this ordinance, a previous individual wastewater discharge permit, or
2052 order issued hereunder.

2053

2054 **12.3 Liability Insurance**

2055

2056 A. All Users shall indemnify and save the City of North Ridgeville harmless from all claims,
2057 actions, damages, liability and expenses in connection with injury or death to persons or
2058 damage to the French Creek WPCP occurring during unloading and processing of
2059 wastewater or septage waste accepted for treatment.

2060

2061 B. The Superintendent may decline to issue or reissue an individual wastewater discharge or a
2062 Septage Discharge permit to any User who has failed to comply with any provision of this
2063 ordinance, a previous individual wastewater discharge permit, or a previous Septage
2064 Discharge permit, or order issued hereunder, or any other Pretreatment Standard or
2065 Requirement, unless the User first submits proof that it has obtained financial assurances
2066 sufficient to restore or repair damage to the POTW caused by its discharge.

2067

2068 **12.4 Public Nuisances**

2069

2070 A violation of any provision of this ordinance, an individual wastewater discharge permit, or
2071 order issued hereunder, or any other Pretreatment Standard or Requirement is hereby
2072 declared a public nuisance and shall be corrected or abated as directed by the Superintendent.
2073 Any person(s) creating a public nuisance shall be subject to the provisions of Public
2074 Nuisance as defined in Chapter 650 of the North Ridgeville Codified Ordinances governing
2075 such nuisances, including reimbursing the City for any costs incurred in removing, abating,
2076 or remedying said nuisance.

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SECTION 13—AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

13.1 Upset

- A. For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (C), below, are met.
- C. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and the User can identify the cause(s) of the upset;
 - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - (3) The User has submitted the following information to the Superintendent within twenty-four (24) hours of becoming aware of the upset, if this information is provided orally, a written submission must be provided within five (5) days:
 - (a) A description of the indirect discharge and cause of noncompliance;
 - (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.
- F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is

2127 provided. This requirement applies in the situation where, among other things, the
2128 primary source of power of the treatment facility is reduced, lost, or fails.

2129

2130 **13.2 Prohibited Discharge Standards**

2131

2132 A. A User shall have an affirmative defense to an enforcement action brought against it for
2133 noncompliance with the general prohibitions in Section 2.1(A) of this ordinance or the
2134 specific prohibitions in Sections 2.1(B)(3) through (5) of this ordinance if it can prove
2135 that it did not know, or have reason to know, that its discharge, alone or in conjunction
2136 with discharges from other sources, would cause Pass Through or Interference and that
2137 either:

2138

2139 A. A Local Limit exists for each pollutant discharged and the User was in compliance with
2140 each limit directly prior to, and during, the Pass Through or Interference; or

2141

2142 B. No Local Limit exists, but the discharge did not change substantially in nature or
2143 constituents from the User's prior discharge when the City was regularly in compliance
2144 with its NPDES permit, and in the case of Interference, was in compliance with
2145 applicable sludge use or disposal requirements.

2146

2147 **13.3 Bypass**

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2149 A. For the purposes of this Section,

2150

2151 (1) Bypass means the intentional diversion of wastestreams from any portion of a
2152 User's treatment facility.

2153

2154 (2) Severe property damage means substantial physical damage to property, damage to
2155 the treatment facilities which causes them to become inoperable, or substantial and
2156 permanent loss of natural resources which can reasonably be expected to occur in
2157 the absence of a bypass. Severe property damage does not mean economic loss
2158 caused by delays in production.

2159

2160 B. A User may allow any bypass to occur which does not cause Pretreatment Standards or
2161 Requirements to be violated, but only if it also is for essential maintenance to assure
2162 efficient operation. These bypasses are not subject to the provision of paragraphs (C)
2163 and (D) of this Section.

2164

2165 C. Bypass Notifications

2166

2167 (1) If a User knows in advance of the need for a bypass, it shall submit prior notice to
2168 the Superintendent, at least ten (10) days before the date of the bypass, if possible.

2169

2170 (2) A User shall submit oral notice to the Superintendent of an unanticipated bypass
2171 that exceeds applicable Pretreatment Standards within twenty-four (24) hours from
2172 the time it becomes aware of the bypass. A written submission shall also be
2173 provided within five (5) days of the time the User becomes aware of the bypass.

2174 The written submission shall contain a description of the bypass and its cause; the
2175 duration of the bypass, including exact dates and times, and, if the bypass has not
2176 been corrected, the anticipated time it is expected to continue; and steps taken or
2177 planned to reduce, eliminate, and prevent reoccurrence of the bypass. The
2178 Superintendent may waive the written report on a case-by-case basis if the oral
2179 report has been received within twenty-four (24) hours.

2180

2181

D. Bypass

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2183

(1) Bypass is prohibited, and the Superintendent may take an enforcement action
2184 against a User for a bypass, unless

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2186

(a) Bypass was unavoidable to prevent loss of life, personal injury, or
2187 severe property damage;

2188

(b) There were no feasible alternatives to the bypass, such as the use of
2189 auxiliary treatment facilities, retention of untreated wastes, or
2190 maintenance during normal periods of equipment downtime. This
2191 condition is not satisfied if adequate back-up equipment should have
2192 been installed in the exercise of reasonable engineering judgment to
2193 prevent a bypass which occurred during normal periods of equipment
2194 downtime or preventive maintenance; and

2195

(c) The User submitted notices as required under paragraph (C) of this
2196 section.

2197

2198

(2) The Superintendent may approve an anticipated bypass, after considering its
2199 adverse effects, if the Superintendent determines that it will meet the three
2200 conditions listed in paragraph (D)(1) of this Section.

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SECTION 14 – ADMINISTRATIVE FEES AND MISCELLANEOUS PROVISIONS.

14.1 Fees for Annual Inspection, Plan Examination, Permit Issuance

The following fees shall apply to all users within the French Creek Sewer District and to Hauled Wastewater as follows:

A. Fees for the annual inspection of permitted industrial facilities by the City shall be as follows:

- a. Daily flow less than 5000 GPD \$200.00
- b. Daily flow more than 5000 but less than 10,000 GPD \$300.00
- c. Daily flow more than 10,000 but less than 20,000 GPD \$600.00
- d. Daily flow more than 20,000 but less than 50,000 GPD \$800.00
- e. Daily flow more than 50,000 but less than 100,000 GPD \$1000.00
- f. Daily flow more than 100,000 GPD use the following:

Annual inspection fee = \$1000 + \$50.00 for every 10,000 gallons over 100,000 GPD

B. Fees for plan examination of plans for new facilities, initial inspection, and issuance of individual discharge permit for the facility, shall be as follows:

- a. Daily flow less than 5000 GPD \$400.00
- b. Daily flow more than 5000 but less than 10,000 GPD \$600.00
- c. Daily flow more than 10,000 but less than 20,000 GPD \$800.00
- d. Daily flow more than 20,000 but less than 50,000 GPD \$1000.00
- e. Daily flow more than 50,000 but less than 100,000 GPD \$1200.00
- f. Daily flow more than 100,000 GPD use the following:

Examination, initial inspection, and issuance of an individual discharge permit over 100,000 GPD = \$1200 + \$50.00 for every 10,000 gallons over 100,000 GPD

C. Fees for hauled wastewater application review and issuance of hauled waste discharge permit for the facility, shall be as follows:

- a. Daily flow less than 6,000 GPD \$400.00
- b. Daily flow more than 6,000 but less than 12,000 GPD \$600.00
- c. Daily flow more than 12,000 but less than 20,000 GPD \$800.00

D. Fees for hauled wastewater discharge permits shall be paid with the issuance of the discharge permit and said fee will be credited to the cost of wastewater treatment charges under the issued permit to the User during the first six (6) months of the permit.

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14.2 Surcharges and Fees

- A. The City shall charge each industrial user and master meter satellite community users a monthly strength surcharge based on the pounds per day of Ammonia (NH₃), five-day Biological Oxygen Demand (BOD₅), Chemical Oxygen Demand (COD), Fat, Oil and Grease (FOG), Phosphorous, and Suspended Solids (SS) as follows:

Pollutant	Limit mg/l	Daily Surcharge
Ammonia (NH ₃)	15	\$1.522 per pound over 15 mg/l
Five-day Biological Oxygen Demand (BOD ₅)	200	\$0.3862 per pound over 200 mg/l
Chemical Oxygen Demand (COD)	400	\$0.1931 per pound over 400 mg/l
Fat, Oil and Grease (FOG)	100	\$0.3862 per pound over 100 mg/l
Phosphorous (P) Total	10	\$1.522 per pound over 10 mg/l
Total Suspended Solids (SS)	250	\$0.057 per pound over 250 mg/l

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- B. The flow figures used for calculating the pounds of excess pollutant will be a metered wastewater flow, a metered water usage, or an agreed upon alternative flow.
- C. Any surcharge assessed for excess pollutants shall be in addition to normal charges and shall not relieve the User of liability for Inhibition, Pass Through or damage caused by such discharge.

14.3 Septage Waste

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- A. The City shall charge septage waste haulers hauling only residential septage waste the following:
- a. A fee of sixty-five Dollars (\$65.00) per load of 2,600 gallons or less,
 - b. A fee of \$0.025 per gallon for tankers over 2,600 gallons, the fee is assessed based on the total holding volume capacity of the tanker,
 - c. The Superintendent is authorized to assess surcharges for excessive solids present in the septage waste and for mixed septage loads from industrial, commercial, and residential sites,
 - d. The Superintendent is authorized to charge for analyzing samples of mixed septage waste from industrial, commercial, and residential waste to determine compliance with hazardous waste rules and local limits for metals.
 - e. The Superintendent is authorized to increase the fees collected by ten (10%) percent effective January 1, 2012.
- B. Septage waste haulers transporting waste other than residential septage waste must notify the Superintendent and obtain written authorization and may be required to apply and obtain individual discharge permit.

2286 **14.4 Miscellaneous Provisions**

2287

2288 A. Fees for filing appeal with the City shall be one half of the applicable permit fee for the
2289 facility.

2290

2291 B. Incurred costs for cleanup of accidental discharge into the collection system and the
2292 treatment works, disposal of waste, and repairs shall be paid by the User causing the
2293 release.

2294

2295 C. Fees for reviewing accidental discharge incidents including slug load discharge shall be
2296 based on an hourly rate of \$100.00 per hour for one investigator for all field work.

2297

2298 D. The cost of analyzing a User's discharge or hauled wastewater shall be paid by User.

2299

2300 E. Administrative Penalty for denied entry of POTW personnel to a permitted facility for
2301 inspection or sampling is \$500.00.

2302

2303 F. Administrative Penalty for filing late reports required by a discharge permit:

2304 a. 1 to 10 days \$50.00

2305 b. 11 to 20 days \$150.00

2306 c. 20 to 30 days \$300.00

2307 d. > 30 days \$500.00

2308

2309 **14.5 Severability**

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2311 If any provision of this ordinance is invalidated by any court of competent jurisdiction, the
2312 remaining provisions shall not be affected and shall continue in full force and effect.

2313

2314 **14.6 Effective Date**

2315

2316 This ordinance shall be in full force and effect immediately following its passage, approval, and
2317 publication, as provided by law.

2318