

Village of Spencerville Wastewater Rules

Revised August 21, 2006

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921.01 DEFINITIONS.

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

- (1) "Administrator" means the Village Administrator of the Village or the authorized agent or representative of the Administrator.
- (2) "Biochemical oxygen demand" (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, as prescribed in "Standard Methods" in five days at 20°C, expressed in milligrams per liter.
- (3) "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning five feet (1.5 meters) beyond the foundation wall of the building or structure.
- (4) "Building sewer" means that part of the drainage system which extends from the end of the building drain and conveys its discharge to the public sewer or other place of disposal. For a user having more than one building, a building sewer may convey discharges from more than one building drain to the public sewer.
- (5) "Capital charges" means those amounts paid by each premises connected to the treatment works proportionate to the probable demand placed on the system to pay the debt requirements and capital expenditures to enlarge or improve the wastewater facilities.
- (6) "Combined sewer" means a sewer intended to serve as a sanitary sewer and a storm sewer, or as an industrial sewer and a storm sewer.
- (7) "Compatible pollutants" means pollutants which the treatment plant was designed to treat such as BOD, SS, phosphorus and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the publicly owned treatment works was designed to treat such pollutants and in fact does remove such pollutants to a substantial degree.
- (8) "Connection charge" means that amount paid by new premises or a major addition or alteration to existing premises, connected to the treatment works in proportion to Village's share of facilities required to serve the premises.
- (9) "Easement" means an acquired legal right for the specific use of land owned by others.
- (10) "Floatable oil" means oil, fat or grease in a physical state such that it will separate by gravity from wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.
- (11) "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

- (12) “Incompatible pollutant” means any pollutant which is not compatible (see subsection (a)(7) hereof.)
- (13) “Industrial cost recovery charge” means that amount assessed each industrial user to repay that portion of all Federal grant amounts allocable to the treatment of wastes from the industrial users of the wastewater facilities and capacity committed to their use.
- (14) “Industrial user” means any non-governmental user of the treatment works that uses more than 25,000 gallons per day of equivalent sanitary wastewater, or that discharges wastewater containing pollutants which; may interfere with the treatment process; may be toxic or incompatible; or may contaminate or otherwise reduce utility or the sludge. A user may be excluded if it is determined that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.
- (15) “Industrial wastes” means the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary waste.
- (16) “Major contributing industry” means an industrial user of the publicly owned treatment works that:
- A. Has flow of 50,000 gallons or more per average workday;
 - B. Has a flow greater than five percent (5%) of the flow carried by the municipal system receiving the waste;
 - C. Has in its waste, a toxic pollutant in toxic amounts as defined by the Administrator; or
 - D. Is found by the administrator or permits issuance authority, in connection with the issuance of an NPDES Permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.
- (17) “May” is permissive. (See “Shall”, subsection (a)(37) hereof.)
- (18) “Natural outlet” means any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface or ground water which does not require an NPDES discharge permit.
- (19) “Non-industrial user” means all users of the wastewater facilities not classified as an Industrial User. (See subsection (a)(14) hereof.)
- (20) “Normal domestic waste” means wastes which are characterized by a per capita discharge of 100 gallons/day at a loading of 100mg/1 BOD and 250 mg/1 SS (normal domestic sewage).
- (21) “NPDES Permit” means the National Pollutant Discharge Elimination System Permit as issued by the Ohio Environmental Protection Agency under authorization issued by the U.S. EPA, Region V, March 11, 1974.
- (22) “Operation, maintenance, and replacement costs” means those costs including labor, materials, supplies, equipment accessories and appurtenances, required to operate the facilities, keep the facilities in operating condition and maintain the capacity and performance during the service life of the treatment works for which such works were designed and constructed.
- (23) “Person” means an individual, firm, company, association, society, corporation, or group.
- (24) “pH” means the logarithm of the reciprocal of the hydrogen ion concentration. The concentration of hydrogen ions is expressed in moles per liter of solution.
- (25) “Phosphorus” means the total phosphorus content of a sample including all of the orthophosphates and condensed phosphates, both soluble and insoluble, an organic and inorganic species referred to in “Standard Methods” as total phosphorus.
- (26) “Pretreatment” means the treatment of wastewater from sources before introduction into the treatment works.
- (27) “Properly shredded garbage” means the wastes from the preparation cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.
- (28) “Public sewer” means a common sewer controlled by a governmental agency or public utility.

- (29) “Recovered amounts” means that revenue generated as a result of the Industrial Cost Recovery System.
- (30) “Recovery period” means thirty years or the useful life of the treatment works, whichever is less.
- (31) “Retained amounts” means fifty percent (50%) of the recovered amounts. (See subsection (a) (29) hereof.)
- (32) “Sanitary sewer” means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.
- (33) “Sanitary wastes” means the combination of liquid and water carried wastes discharged from toilet and other plumbing facilities; segregated from normal human biological activities, separate and distinct from industrial trade or process discharges.
- (34) “Sewage” is in the spent water of a community. The preferred term is “wastewater”.
- (35) “Sewer” means a pipe or conduit that carries wastewater or drainage water.
- (36) “Shall” is mandatory. (See “May”, subsection (a)(17) hereof.)
- (37) “Significant user” means any industrial user that will contribute greater than ten percent 10% of the design flow or design pollutant loading of the Village treatment works.
- (38) “Sludge” means any discharge of water or wastewater which in concentration of any given constituent or in rate of flow exceeds for any period of duration longer than fifteen minutes more than five times the average twenty-four hour concentration or flows normal operation and shall adversely affect the collection system and /or performance of the wastewater treatment works.
- (39) “Storm drain” or “Storm sewer” means a drain or sewer for conveying water, ground water, subsurface water, or unpolluted water from any source.
- (40) “Street surface” means the paved portion of the street; edge of pavement to edge of pavement and does not include the entire street right-of-way.
- (41) “Suspended solids” or “SS” means total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in “Standard Methods” and referred to as filterable residue.
- (42) “Treatment works” means any and all devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature, or necessary to recycle or reuse water at the most economical cost over the useful life of the works, including interceptor sewers, out fall sewers, sewage collection systems, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clearwell facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of Municipal wastes, including storm water runoff, or industrial waste, including waste in combined storm water and sanitary sewer systems.
- (43) “Unpolluted water” is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- (44) “User” means those premises connected to the treatment works proportionate to the service provided. This charge shall cover all operation, maintenance, and replacement costs for the facilities.
- (45) “User charge” means that amount paid by premises connected to the treatment works proportionate to the service provided. This charge shall cover all operation, maintenance, and replacement costs for the facilities.
- (46) “Wastewater” means the spent water of a community. From the stand point of source, it may be combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any ground water, surface water, and storm water that may be present.

- (47) “Wastewater treatment plant” means an arrangement of devices and structures for treating wastewater, industrial waste and sludge. Sometimes used as synonymous with “waste treatment plant,” and “water pollution control plant.”
- (48) “Watercourse” means a natural or artificial channel for the passage of water either continuously or intermittently.

921.02 USE OF PUBLIC SEWERS REQUIRED.

- (a) No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Village, or in any area under the jurisdiction of the Village, any human or animal excrement, garbage or objectionable waste.
- (b) No person shall discharge into any natural outlet within the village, or in any area under the jurisdiction of the Village, any wastewater or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
- (c) Except as hereinafter provided, no person shall construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater within the Village.
- (d) The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated either within or outside the Village, abutting on any street, alley or right of way in which there is now located or may in the future be located a public sanitary or combined sewer discharging to the Spencerville Public Sewer, is hereby required at the owner(s)’ expense to install suitable plumbing facilities therein, in accordance with the plumbing code currently enforced by the Village to connect its building drain directly with the proper public sewer in accordance with the provisions of this chapter, with in one year after date of official notice to connect, provided that the public sewer is within one hundred feet of the property line.
- (e) The Village Administrator shall serve upon such owners of property required to connect to the public sewer as provide in Section 921.03, a notice directing such owners to make such sewer connections within the time specified by the Administrator, provided that the time period shall not be less than ninety days nor more than one year.
- (f) At the expiration of the time specified, if such connections are not made as herein provided, the Administrator shall cause the same to be made and the cost thereof shall temporarily be paid by the Village, such cost, together with a penalty of ten percent (10%) shall be charged by Council on such property to be paid in cash or check to the Clerk-Treasurer; and if not so paid, the Village shall have the right to proceed to collect such charge in a manner consistent with Village policy or in a suit at law or to certify such assessments to the County Auditor to be collected as other taxes are collected.

921.03 PRIVATE WASTEWATER DISPOSAL.

- (a) Where a public sanitary or combined sewer is not available under the provisions of Section 921.02 (d), the building sewer shall be connected to a private wastewater disposal system.
- (b) Any private wastewater disposal system, as provided in subsection (a) hereof, shall conform to all applicable Village, County, and State laws and codes.
- (c)
 - (1) The owner of a private wastewater disposal facility shall operate and maintain the facilities in a sanitary manner at all times, at no expense to the Village.
 - (2) Whenever, in the opinion of the Village Administrator, any privy, vault, cesspool, or septic tank shall become offensive to the safety, health, comfort, convenience or repose of the public he shall give notice to the owner personally or by mailing the notice by registered mail to such owner at his last known address, requiring the owner or occupant of the premises to clean, remove or alter the privy, vault, cesspool or septic tank in a satisfactory manner within five days

from the date of notice. Should the owner or occupant of the premises fail to clean, remove or alter such privy, vault, cesspool or septic tank, or fail to connect to the sewer system as specified in this chapter, within the time specified, the Administrator shall cause the work to be done and the expense for such work shall become an obligation of the owner of the property to the Village. Such obligation shall be collected in a manner consistent with the Village policy, or in a suit at law, or the charges shall be certified to the County Auditor and be collected as other taxes are collected. No person shall remove or dispose of the contents of any privy, vault, cesspool, or septic tank except in a manner approved by the Administrator.

- (d) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in subsection (a) hereof, a direct connection shall be made to the public sewer within one year in compliance with this chapter, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

921.04 BUILDING SEWERS AND CONNECTIONS: TAP FEE.

- (a) No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance without first obtaining a written permit from the Village Administrator.
- (b) Every person desiring a permit to make a connection with, open or tap any public sewer or drain shall first make application to the Administrator who shall consult his records with regard to the sewer or drain desired to be connected with, opened or tapped. If such connection, opening or tap can be made, the Administrator shall give such applicant the approximate location with which the connection, opening or tap is to be made. Upon receipt of all fees, the Administrator shall give to the applicant a permit stating that permission is granted to connect with, open or tap such sewer or drain and also state in such permit the name of the street and the abutting lot number. All permits shall be issued by the Administrator. No permit to connect to the system will be issued until the Administrator has determined that there is capacity available for the wastewater to be discharged in all downstream sewers, lift stations, force mains, and the wastewater treatment plant, including capacity for compatible wastes.
- (c) For each permit issued by the Administrator, a charge shall be made as hereinafter provided. A connection charge shall be made for all new buildings, major additions or alterations to buildings causing increased wastewater discharge, any land use causing the discharge of wastewater into the wastewater system and any change in wastewater flow. The connection charge shall be computed as hereinafter provided.
- (1) The connection charge provided herein shall also be made where any dwelling or building is connected to the wastewater system. Before the permit can be used, evidence that the connection charge has been paid shall be filed with the Village Administrator.
- (2) Charges for connection to the system shall be computed on the basis of the equivalent size of the water meter serving the premises or sewage meter capacity. Charges for connection to the system shall be computed as per current ordinance.
- A. Inspection Fee.
All inspection fees shall be included in the connection charge for each sewer tap.
- B. No person shall make any connection to the village sanitary sewer until he has first obtained a permit for such purpose from the Village Administrator, and paid the fee therefore as determined by council. The sanitary sewer tap permit when issued shall expire within seven days from issuance thereof, unless the applicant, within such seven day period makes application and pays for the building permit for such premises. Further, such sanitary sewer tap permit, once issued, shall expire and be invalid unless within a period of one hundred twenty days from the date of issuance of the permit, the sewer tap is completed, including the installation of the sanitary sewer from the tap to the foundation of the building or structure. If such permit expires either because of the failure to obtain the other

permit within the said seven day period or the failure to complete construction of the tap and sewer tap, or sanitary line to the foundation shall be commenced, or if partially completed, before any additional work is undertaken, a new sanitary sewer tap permit must be applied for and the tap charge for the new permit shall be charged in existence at the time of application for the new sewer tap permit.

An extension of time may be granted by the Administrator because of unforeseen problems such as weather, sickness, or equipment problems. A maximum of two hundred forty-five day extension may be granted.

- (d) The permit and fees specified in subsection (c) hereof, shall not preclude any deposit or bond required by any Village ordinance to insure that the connection with the sewer system will be made in such a manner as will not injure the sewer system of the Village and will be returned to the same state as before the connection was made.
- (e) The administrator shall devise and procure the permit forms, such permits to be consecutively numbered. The Administrator shall turn over to the Clerk-Treasurer, in the manner prescribed by law, all funds received.
- (f) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The owner (s) shall hold the Village harmless from any loss or damage that may in any way result from or be occasioned by such installation or connection.
- (g)
 - (1) A separate and independent building sewer shall be provided for every building; except that where on a nonresidential building on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building sewer may be extended to the rear building and the whole considered as one building sewer but the Village does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.
 - (2) On July 1, 1998, and thereafter, a separate building sewer connected at the property line to a public sewer shall be required for each residential building on a lot of property; therefore, no more than one residential building shall be connected to a single building sewer which is connected at the property line to a public sewer. Where two residential structures exist on the same lot of property prior to July 1, 1998, each structure may be permitted to discharge through one side of a wye which is connected to a six inch leader into a public sewer at the property line, but the Village does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.
 - (3) A single connection to the public system may be provided for several nonresidential building sewers collected by a privately owned interceptor. All provisions of this chapter shall apply to the privately owned interceptor.
- (h) Old building sewers may be used in connection with new building only when they are found, on examination and test by the Administrator, to meet all requirements of this chapter and current rules and regulations of the Administrator as set forth in Section 921.10 (d). Abandoned sewers or openings shall be plugged to prevent dirt or fill material from entering the sewer system.
- (i) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- (j) No connection or lateral extending to private property from a public sewer or drain shall be constructed except in accordance with specifications issued by the Administrator. Such specifications shall, as a minimum, conform to the appropriate specifications for the ASTM and the WPCF Manual of Practice No. 9.

- (k) All connections, tappings, or openings shall be made under the supervision of the Administrator. The applicant for the permit shall notify the Administrator when the connection is ready for inspection.
- (l) At least twenty-four hours notice must be given to the Administrator before any streets, public right of ways can be opened for the purpose of laying a private sewer, or drain and the work may not proceed until approval of the Administrator is obtained. All Excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkway, and other public property disturbed in the course of the work shall get restored in a manner satisfactory to the Village. All refilling of the excavation made for such connection shall be under the supervision of the Village officials responsible for streets. The Administrator shall be authorized to require posting of a bond in the amount of one thousand dollars (\$1,000) before permission is granted to excavate in any public street.
- (m) Whenever a building is demolished thus terminating sewage flow from such location, all building connections to the sewer system shall be plugged at the tapping or opening into the sewer, unless the building sewer is found to meet requirements of this chapter, and the rules and regulations of the administrator as provided under Section 921.10(d); in which case the plug shall be at the property line. Such plugging shall be made under the supervision of the Administrator. The owner(s) of the building shall notify the Administrator as to when the plugging shall occur.

921.05 USE OF PUBLIC SEWERS

- (a) No person shall discharge or cause to be discharged any unpolluted waters such as storm water, ground water, roof runoff, subsurface drainage, or cooling water to any sanitary sewer, except that storm water runoff from limited areas, which storm water may be polluted at times, may be discharged to the sanitary sewer by permission of the Village Administrator.
- (b) Whenever the Administrator finds that any provision of subsection (a) hereof is being violated he shall issue a written order to the person responsible for the removal, elimination, or correction of such condition(s), to remove such connectors or drains from such sanitary sewer within ninety (90) days after service of such order. The service of such order, as mentioned herein, may be made upon the person to whom it is directed, either by delivering a copy of same to such person in charge of the premises, or by affixing a copy thereof in a conspicuous place on the door to the entrance of such premises.
- (c) Storm water other than that exempted under subsection (a) hereof, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the Administrator and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Administrator and other regulatory agencies, to a storm sewer, combined sewer or natural outlet.
- (d) Whenever sewers are about to be or have been constructed for the purpose of carrying off sewage and drainage from lots and lands outside the corporate limits, works of the Village, nor shall the use of the treatment works be permitted for the sewage and drainage of such lots and land outside of the corporate limits unless there has been secured written permission from the Administrator which shall be given only if the sewers or system of sewers for which such connection or use is sought conforms to the plans theretofore adopted by the Village. A certificate of approval of such sewers by the Ohio Environmental Protection Agency shall also be furnished where, by law, such plans are required to be approved.
- (e) In addition to the Administrator's approval as required by subsection (d) hereof, applicants for permission to use or connect with village sewers shall execute such agreement as to terms, conditions, and compensation for the use of such sewers and treatment works as shall be required by the Village authorized by law.
- (f) No person shall discharge or cause to be discharged any following described waters or wastes to any public sewers:

- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
 - (2) Any water containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in receiving waters of the wastewater treatment process plant.
 - (3) Any waters or wastes having a pH lower than 6.0, or higher than 9.5 or as otherwise required; or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works.
 - (4) Solid or Viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to ashes, bones, cinders, sand, mud, straw, shaving, metal, glass, rags, feathers, tar plastics, wood, ungrounded garbage, whole blood, paunch manure, hair and fleshing, entrails, or paper dishes, etc., either whole or ground by garbage grinders.
- (g) All major contributing industrial users of the treatment facilities shall pretreat any pollutants, which may interfere with, pass through, or otherwise be incompatible with the treatment works. Pretreatment of such pollutants shall be determined by the Administrator. All owner(s) of any source to which pretreatment standards are applicable, shall be in compliance with such standards within the shortest reasonable time, but not later than the date established by the Administrator. All owner(s) of any source to which pretreatment standards are applicable shall submit to the Administrator semi-annual notices regarding specific actions taken to comply with such standards. Such notices shall be submitted on the first day of the months of April and October. If any majoring contributing industrial user proposes to pretreat its wastes, the design and installation of the plants and equipment shall be subject to the review and approval of the Administrator.
- (h) The following described substances, materials, waters or waste shall be limited in discharges to the municipal system from all users to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment; will not have an adverse affect of the receiving stream; will not cause violations of the NPDES regulations; or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Administrator may set limitations more severe than the limitations established in the regulations below, or in subsections (f) and (g) hereof, if the Administrator's opinion such more severe limitations are necessary to meet the above objectives. In forming this opinion as the acceptability, the Administrator will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree for treatment of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics for waste or wastewater discharged to the sanitary sewer which shall not be violated without approval of the Administrator are as follows:
- (1) Wastewater having a temperature higher then 150 degrees Fahrenheit (65 degrees Centigrade) at point of entrance to main sewer.
 - (2) Wastewater containing more than 100 mg/l of petroleum oil nonbiodegradable cutting oils, or product of mineral oil origin.
 - (3) Wastewater from industrial plants containing floatable oils, fat, or grease; or wastewater containing fats, wax, grease, oils, or similar which may solidify or become viscous at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit.
 - (4) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food. The installation and operation of any garbage grinder equipped with a motor of 1 ½ horsepower or greater shall be subject to the review and approval of the Administrator.

- (5) Any waters or wastes containing iron, chromium, copper, zinc, cadmium, and similar objectionable toxic substances to such a degree that any such material received in the composite wastewater at the point of entry to the wastewater treatment works exceeds the limits established by the Administrator. The provisions of subsections (h) and (k) hereof shall apply to these requirements.
 - (6) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Administrator.
 - (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Administrator in compliance with applicable State or Federal regulations.
 - (8) Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.
 - (9) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amendable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
 - (10) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes. The Administrator shall require all discharges to conform to all NPDES permit requirements and any other specified State or Federal regulations.
 - (11) Any water or wastes which produce a color which could interfere with the treatment process, analytical tests, or impart an unnatural color to the treatment plant's effluent.
 - (12) Any substance which exerts a significant chlorine demand. Limits on chlorine demand shall be as established by the Village Administrator.
- (i) Any person whose operations entail the discharge of water or wastes containing toxic or poisonous substances shall file with the Village Administrator a written statement setting forth the nature of the operation contemplated or presently carried on, the amount of water required to be used and its source, the proposed point of discharge of the wastes into the sewers of the Village, the estimated amount so to be discharged and a fair statement setting forth the expected bacterial, physical, chemical, and other known characteristics of the waste. Within thirty days of receipt of such statement, it shall be the duty of the Village to make an order stating such minimum restrictions as in the judgment of the Administrator may be necessary to guard adequately against unlawful uses of the Village's sewers.
- (j) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection (h) hereof, and which in the judgment of the Village Administrator may interfere with, pass through, or otherwise be incompatible with the wastewater facilities, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Administrator may:
- (1) Reject the wastes.
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewers.
 - (3) Require control over the quantities and rates of discharge, and/or
 - (4) Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsections (h) and (k) hereof.
- If the Administrator permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Administrator and the Ohio Environmental Protection Agency in accordance with the Ohio Revised Code Chapter 6111. The property owner shall not commence construction of such facility until he has obtained such approvals in writing from the Administrator and appropriate State agencies.
- (k) Grease, oil and sand interceptors shall be provided when, in the opinion of the Administrator, they are necessary for the proper handling of liquid wastes containing grease in excessive

amounts, as specified in subsection (h)(3) hereof, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall be located so as to be readily and easily accessible for cleaning and inspection.

- (l) Where grease, oil and sand interceptors, pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in safe, satisfactory, and effective operation by the owner(s) at his expense.
- (m) When required by the Administrator, the owner(s) of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Administrator. The structure shall be installed by the owner(s) at his expense and shall be maintained by him so as to be safe and accessible at all times. Following approval and installation, such meters may not be removed without the consent of the Administrator.
- (n) The Administrator may require a user of sewer services to provide information needed to determine compliance with this chapter. These requirements may include:
 - (1) Wastewater discharge peak rate and volume over a specified time period.
 - (2) Chemical analyses of wastewater.
 - (3) Information on raw materials, processes and products affecting wastewater volume and quality.
 - (4) Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control.
 - (5) A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
 - (6) Details of wastewater pretreatment facilities.
 - (7) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.
 - (8) Such other information as may be required by the Village's NPDES permit.
- (o) Within one month after passage of this chapter, each person who discharges industrial wastes to a public sewer shall prepare and file with the Administrator a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the sewage works. Similarly, each such person desiring to make a new connection to a public sewer for the purpose of discharging industrial wastes shall prepare and file with the Administrator a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged. Such report shall be filed prior to making any connection to the public sewer.
- (p) When it can be demonstrated that circumstances exist which would create an unreasonable burden on the person to comply with the time schedule imposed by subsection (o) hereof, a request for extension of time may be presented for consideration of the Administrator. All requests for extension of time shall be submitted in writing stating the reasons for such a request. The Administrator shall commit himself to response within five working days after receipt of such a request.
- (q) Each user discharging industrial wastes into a public sewer shall construct and maintain one or more control manholes or access points to facilitate observation, measurement, and sampling of his wastes, including domestic sewage. Control manholes or access facilities shall be located and built in a manner acceptable to the Administrator. If measuring devices are to be permanently installed, they shall be a type acceptable to the Administrator. Control manholes, access facilities, and related equipment shall be installed by the person discharging the waste, at his expense and shall be maintained by him so as to be in safe condition, accessible, and in proper operating condition at all times. Plans for the installation of the control manholes or access facilities and related equipment shall be approved by the Administrator prior to the beginning of construction.

- (r) Industrial wastes discharged into the public sewers may be subject to periodic inspection and a determination shall be made as often as may be deemed necessary by the Administrator. Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Administrator. Access to sampling locations shall be granted to the Administrator or his duly authorized representatives at all times. Every care shall be exercised in the collection of samples to insure their preservation is a state comparable to that at time sample was taken.
- (s) All measurements, test, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for Examination of Water and Wastewater", published by the American Public Health Association. All test shall conform to EPA Regulation 40 CFR 136 published October 16, 1973, in the Federal Register entitled "Guidelines Establishing Test Procedures for Analysis Pollutants." Sampling methods, location, times, duration and frequencies are to be determined on an individual basis subject to approval by the Administrator and other regulatory agencies.
- (t) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern where by an industrial waste of unusual strength or character may be accepted by the Village for treatment. Any user who enters into a special agreement or arrangement with the Village shall be subject to all State or Federal Laws or regulations.

921.06 AUTHORITY OF ADMINISTRATOR

- (a) The Administrator is authorized and directed to adopt and enforce specifications and regulations in accordance with the provisions of Section 921.01 through 921.05 for the purpose of providing control of the installation of sewer connections and the inspection thereof. The Administrator shall maintain accurate and complete records of all permits issued and inspections made. The Administrator is empowered to require an abandonment and removal of connections to the public storm sewers which violate the provisions of this chapter.
- (b) Council affirms that the treatment works of the Village are under the exclusive control of the Administrator as provided for in Ohio R.C. 729.50, and Council has the general powers of such treatment works as provided for in Ohio R.C. 729.50, and Council has the general powers of such treatment works as provided for in Ohio R.C. 727.01.

921.07 POWER OF INSPECTION.

- (a) The Administrator and/or other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all properties at all reasonable times for the purpose of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this chapter. If entry to any property in the Village is refused by the occupant thereof, the Administrator or duly authorized employee shall be authorized to apply to a court of competent jurisdiction for a warrant authorizing entry.
- (b) The Administrator and/or other duly authorized employee is authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. If such information is considered confidential by the industry involved, because the revelation thereof to the public might result in an advantage to competitors, it shall not be disclosed by the Administrator and /or other duly authorized employee to the public or to any other person except to employees and officials to the extent necessary for the administration and enforcement of this chapter. Such information shall not be available to the public and shall be kept separate from the Village's Public Records. The unauthorized disclosure of such confidential information by any employee of the Village or other person shall be a violation of this chapter, punishable under the penalty provisions hereof.

- (c) While performing the necessary work on private properties referred to in subsection (a) hereof, the Administrator or duly authorized employee of the Village shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Village employee and the Village shall indemnify the company against loss or damage to its property by Village employees and against loss or damage to its property by Village employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 921.05 (m).
- (d) The Administrator and/or other duly authorized employee of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposes of, but not limited to inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entries and subsequent work, if any, on such easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

921.08 CHARGES.

- (a) Commencing on or after July 1, 1998, there is levied and assessed upon each lot, parcel of land, building or premises having any sewer connection with the sanitary sewer system of the Village or otherwise discharging sewage, industrial wastes, water or other liquids either directly or indirectly into the village wastewater treatment system, a charge for use of the system.
- (b) Charges for wastewater treatment service shall be paid by each user connected or required to be connected to the system and shall be computed in accordance with probable demand a user places on the system and the quantity of water discharged to the system as measured by the Village water meter installed thereon or by a sewage meter installed on the discharge pipe there from or as estimated by the Village. The cost for installation, operation and maintenance, and any and all other costs for the meter shall be paid for by the user.
- (c) The owner of each property utilizing water from a source other than the water works system of the Village, shall measure the quantity of such water by installing without cost to the Village, a meter to measure the quantity of such water. No meter shall be installed or be used for such purpose without the approval of the Administrator. If the owner of such property fails to install and maintain, at his expense, an approved meter, the Administrator shall make an estimate of the amount of water from sources other than the Village's water works system with which is discharged into the Village's sanitary sewer system from such property, using the consumption of water so discharged into the sanitary sewer system as though the same were metered.
- (d) The quantity of water which a property utilizes for an industrial or commercial purpose but is not discharged into the Village sanitary sewer system may be determined by measurement by a device(s) installed and maintained without cost to the Village, by the user; such measurements may be made either of waste discharged into the treatment works, or of such quantity of water not so discharged. Provided, however, that such device(s) shall be installed or be used by such purpose without the approval of the Administrator as to the measuring devices so employed and as to the manner of installation. Each such meter installed shall be billed separately.
- (e) High Strength Surcharges. In addition to the minimum charge and the commodity charge given above, any user discharging wastewater containing BOD in excess of 200 mg/l or suspended solids of 250 mg/l shall pay the following additional charges:
 - (1.) BOD: \$24.00 per 100 lbs. of excess over 200 mg/l.
 - (2.) SS: \$19.00 per 100 lbs. of excess over 250 mg/l.

These charges shall be reviewed periodically and revised as necessary. Each user shall pay a fee for each sampling and metering required for high strength surcharges, industrial cost recovery or for ascertaining pretreatment compliance. Sampling periods shall not exceed one twenty-four

hour day. If necessary to sample more than one twenty-four hour day, multiple charges will be made. Charges for such services other than tests for BOD and SS shall be at actual cost thereof as computed by the Administrator. Samples for determining strength of wastes shall be taken after the flow has undergone pretreatment if pretreatment facilities are used.

- (f) Miscellaneous Charges. In addition to the above charges, each user shall pay the charges for miscellaneous service and monitoring as determined by the administrator. The charges may be revised by the Administrator whenever in his opinion it is deemed appropriate. The Administrator shall turn over to the Clerk-Treasurer, in the manner prescribed by law, all funds received as a result of the miscellaneous charges which will be credited to the Sewer Fund of the Village.
- (g) Unscheduled Charges. Any system user who is responsible for damage to the system shall be charged the full cost of repair of the damage to the system. The cost shall include but is not limited to labor, equipment, materials, administrative expense, interest on borrowed funds, engineering, legal or other professional fees, and charges to the Village by other utilities or departments.
- (h) Disposition of Revenue. Revenue generated by the user charge shall be deposited in the sewer fund account and used solely for the purpose of covering all operation, maintenance and replacement costs of the treatment works.

921.09 SANITARY SEWER RESPONSIBILITY.

- (a) The Village of Spencerville shall be responsible for the operation and maintenance of all main sanitary sewer lines, sanitary sewer manholes and the portions of all private sanitary sewer laterals that are located directly below the street surface.

921.10 SEWER DESIGN AND INSTALLATION SECTION.

- (a) All new, improved or expanded sanitary sewers and pumping facilities discharging anything into the Spencerville sanitary sewer system shall be constructed in accordance with the regulations established by the Administrator. Written approval of the Administrator shall be obtained prior to the start of any construction.
- (b) All construction, materials, sizes, slopes, alignment, methods to be used in excavating, placing of pipe, joints, testing and back filling shall be in accordance with the rules and regulations established and promulgated by the Administrator. In the absence of a rule or regulation provision or in a amplification thereof, the materials and procedures shall comply with the latest specifications for a project performed by the Village, or in the absence thereof, comply with appropriate specifications of ASTM and /or WPCF Manuals of Practice.

921.10 REVISIONS.

On or before September 1 of each year, the Administrator shall review the rules, regulations, charges and fees set forth in this chapter. If changes, revisions or modifications are necessary, the Administrator shall submit the proposed revisions to Council for ratification. The revisions shall be adopted by December 31 of such year. The charge system contained in Section 921.08 shall be in accordance with the following:

- (a) The user charges shall result in the distribution of operation, maintenance, and replacement costs of the treatment works within the jurisdiction of the Village.
- (b) The charges shall be reviewed annually and revised periodically as required.
- (c) The user charges shall derive revenue sufficient to meet all costs of operation maintenance and replacement of the system.

921.11 PAYMENTS.

- (a) All charges for connection, permits, etc., shall be payable upon application.
- (b) Charges, as defined in Section 921.08 shall be billed monthly, and payment will be due in cash or check on or before the 8th of each month.
- (c) Payments shall be made at the authorized collection agency or such other places as may be designated by the Village Council.
- (d) All sewer service charges, including material and supplies shall be prepared by the Village Administrator; shall be billed monthly by such Administrator and shall be payable in cash or check to the Village on or before the 8th day of the month. When a sewer account is delinquent, unless prior special arrangement have been made with the Village Administrator relative to payment of bills, the customer shall be notified that the water services will be discontinued if payment is not made in full by the 10th day of delinquency. The water service shall not be continued until all charges including a ten percent (10%) delinquent fee is paid in full. The ten percent (10%) delinquent fee shall be charged on final bills.
- (e) In the case of leased lots, parcels of land or premises connected with the sanitary sewer system, the lessor and lessee shall both be liable for the payment of the sewer rental charges herein provided and the Village may proceed to collect such charges from either the lessor or the lessee in manner consistent with Village policy or it may certify delinquent charges to the Auditor of Allen County as provide in subsection (g) hereof.
- (f) Each charge or rental levied by or pursuant to this chapter is hereby made a lien upon the corresponding lot, land or premises served by a connection to the wastewater system of the Village; and if same is not paid as herein before provided, it shall be forwarded to the County Auditor, who shall be authorized to assess the same against the property on the next county tax roll, with interest and penalties allowed by law, and it shall be collected as other taxes on the property are collected. The Village shall also have the right in the event of nonpayment as aforesaid, to proceed to collect such delinquent charges in a manner consistent with Village policy or in a suit at law.

921.13 SEWER CREDIT FOR LAWN OR GARDEN WATERING.

Refer to The Village of Spencerville Water System Operating Rules section 1.14 (f).

921.14 NEGOTIATION OF SEWER FEES TO PROMOTE INDUSTRIAL, COMMERCIAL, AND EDUCATIONAL DEVELOPMENT.

Not with standing Section 921.04, 921.06 of the sewer system operating rules, the Village Administrator, upon majority approval of Council, may waive or reduce any and all charges, tap fees, connection charges, permit fees and inspection charges for the purpose of promoting, encouraging and pursuing industrial, commercial and educational development.

921.15 STORM SEWERS AND CONNCETIONS; TAP FEES.

- (a) Permits. No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public storm sewer or appurtenance without first obtaining a written permit from the Village Administrator.
- (b) Application Process. Every person desiring a permit to make a connection with, open or tap any public storm sewer or drain shall first make application to the Administrator, who shall consult his records with regard to the storm sewer or drain desired to be connected with, opened or tapped. If such connection, opening or tap can be made, the Administrator shall give to the applicant a permit stating that permission is granted to connect with, open or tap such sewer or drain and also state in such permit the name of the street and the abutting lot number. All permits shall be issued by the Administrator. No permit to connect to the system will be issued until the Administrator has determined that there is capacity available for the storm water to be discharged in all down stream storm sewers.

- (c) Fees. For each permit issued by the Administrator, a fee shall be made as hereinafter provided. A connection fee shall be made for all new buildings, major additions or alterations to buildings causing increased storm water discharge, any land use causing the discharge of storm water into the storm water system and any change in storm water flow. The connection fee shall be as per the current ordinance.
- (1) Negotiation of storm sewer fees to promote industrial, commercial and educational development. Council, upon majority approval, may waive or reduce any and all charges, tap fees, connection fees, permit fees and inspection fees for the purpose of promoting, encouraging and pursuing industrial, commercial and educational development.
- (d) Storm Sewer Responsibility. The Village of Spencerville shall be responsible for the maintenance of all main storm sewer lines, catch basins and the portions of all private storm sewer laterals that are located directly below the street surface.
- (e) Penalty. Any person who violates any provision of this chapter shall be guilty of a minor misdemeanor. Each day such violation continues shall be considered a separate offense.
- (1) In a case where a violation of this chapter exists on premises that are connected to the storm system, and the violation is continuous in nature, the Administrator shall be authorized to terminate storm sewer service to such premises after written notice to the owner or owners of the premises as shown on the current records of the Village. The notice shall describe the violation and include notification that service will be terminated on a certain date, which shall not be less than thirty days from the date the notice is mailed, if it is mailed or the date is delivered to the property owner or owners, if notice is given in this manner. The notice may be mailed to the owner by certified mail, return receipt requested, or may be delivered personally to the owner or left at the owner's usual place of abode with a person of suitable age and discretion. After service has been terminated in accordance with the section, it shall be restored by the Village as soon as practicable after the correction of the violation. In cases where service is terminated under this section, the cost of the terminations and restoration of service shall be charged to, and paid by, the property owner, and may be billed and collected in a manner consistent with the Village policy, or in suit at law and/or assessed against the premises served.
- (2) The Administrator shall have the right to terminate storm sewer service immediately if it is determined that the violation produces a dangerous, toxic, odorous, destructive or other condition which in the opinion of the Administrator cannot be tolerated.
- (3) Any person violating any of the provisions of this section shall become liable to the Village for any expense, loss or damage occasioned the Village by reason of such violation.

921.99 PENALTY.

- Any person who violates any provision of this chapter shall be guilty of a minor misdemeanor. Each day such violation continues shall be considered a separate offense.
- (a) No statement contained herein shall be construed as preventing any special agreement or arrangement between the Village and any user whereby wastewater with prohibited or restricted constituents may be accepted for treatment with charges proportional to the cost of the service provided. Any and all such agreements are not to be contrary to any State or Federal Law, regulation or limitation.
- (b) In a case where a violation of this chapter exists on premises that are connected to the sewer system, and the violation is continuous in nature, the Administrator shall be authorized to terminate sewer service to such premises after written notice to the owner or owners of the premises as shown on the current records of the Village. The notice shall describe the violation and include notification that service will be terminated on a certain date, which shall not be less than thirty days from the date the notice is mailed, if it is mailed or the date it is delivered to the property owner or owners, if notice is

given in this manner. The notice may be mailed to the owner by certified mail, return receipt requested, or may be delivered personally to the owner or left at the owner's usual place of abode with a person of suitable age and discretion. After service has been terminated in accordance with this section, it shall be restored by the Village as soon as practicable after the correction of the violation. In cases where service is terminated under this section the cost of the termination and restoration of service shall be charged to, and paid by, the property owner, and may be billed and collected in a manner consistent with the Village policy, or in a suit at law, and/or assessed against the premises served.

- (c) The Administrator shall have the right to terminate sewer service immediately if it is determined that the violation produces a dangerous, toxic, odorous, destructive or other condition which in the opinion of the Administrator cannot be tolerated.
- (d) Any person violating any of the provisions of this chapter shall become liable to the Village for any expense, loss or damage occasioned the Village by reason of such violation.