

**CITY OF XENIA, OHIO
ORDINANCE 2020 – 20**

**AMENDING SECTIONS 1044.06 AND 1044.07, ADOPTING CHAPTER 1048, AND
REPEALING IN ITS ENTIRETY EXISTING CHAPTER 1048 OF THE CITY OF XENIA’S
STREETS, UTILITIES AND PUBLIC SERVICES CODE AS CONTAINED IN THE
CODIFIED ORDINANCES**

WHEREAS, a recent audit by the Ohio EPA has revealed deficiencies within Chapter 1044, titled “Sewers Generally,” and Chapter 1048, titled “Industrial Pretreatment Standards,” of the Streets, Utilities, and Public Services Code relative to industrial discharges into the City’s sewer collection system;

WHEREAS, in order to become compliant and address the cited deficiencies in Chapters 1044 and 1048, amendments to Section 1044.06 and Section 1044.07 are necessary, as well as the repeal of existing Chapter 1048 and enactment of a new Chapter 1048; and

WHEREAS, this Council deems it to be in the best interests of the City of Xenia and its inhabitants to make the necessary changes to the City’s Streets, Utilities, and Public Services Code, as contained in the City’s Codified Ordinances, in order to make Chapter 1044 and 1048 complaint with EPA requirements.

NOW, THEREFORE, THE CITY OF XENIA HEREBY ORDAINS, at least four (4) members of the City Council concurring, that:

Section 1. Sections 1044.06 and 1044.07 of the Codified Ordinances of the City of Xenia, Ohio, are hereby amended, as shown in the attached Exhibit A.

Section 2. Existing Sections 1044.06 and 1044.07 are hereby repealed.

Section 3. Chapter 1048, titled “Discharges into Wastewater Treatment Plant,” to be added to Part Ten – Streets, Utilities and Public Services Code, Title Four: Utilities, of the Codified Ordinances of the City of Xenia, Ohio, is hereby enacted, as shown in the attached Exhibit B.

Section 4. Existing Chapter 1048 is hereby repealed in its entirety, as shown in the attached Exhibit C.

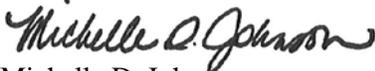
Section 5. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6. This Ordinance shall be effective on September 26, 2020.

Introduced: August 13, 2020

Adopted: August 27, 2020

Attest:


Michelle D. Johnson
City Clerk


Wesley E. Smith
President, Xenia City Council

1044.06 USE OF PUBLIC SEWERS.

(a) Prohibition of Unpolluted Water.

- (1) No person shall discharge or cause to be discharged, either directly or indirectly, any stormwater, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer. Any such connections shall be subject to immediate removal by the owner of the premises so connected and at the owner's expense.
- (2) Sub-foundation building drains connected to sanitary sewers before the effective date of this section will not be required to be removed unless it is established by the Director that such connection is detrimental to the satisfactory operation of the sewerage works and that such removal is cost effective in accordance with guidelines established by the USEPA. Any such connections made after the effective date of this section shall be prohibited and shall be removed.
- (3) Should the owner of such an illegally connected premises fail to remove the connection within ninety (90) days after the date of official notice to do so, the Director shall cause the connection to be removed and the cost thereof shall be billed to the owner of the premises. If such cost is not paid within sixty (60) days, the City shall certify such cost to the Greene County Auditor as an assessment upon the property.

(b) Allowable Discharge of Unpolluted Water. Stormwater and all other unpolluted drainage, such as from air conditioning, swimming pools, and the like, shall be discharged into such sewers as are specifically designed and designated as storm sewers or to a combined sewer or a natural outlet approved by the Director. Industrial uncontaminated cooling water or unpolluted wastewater may be discharged, on approval of the Director, to a storm sewer, combined sewer or natural outlet. If such waters are polluted with insoluble oils or grease or suspended solids, they shall be treated for removal of the pollutants, and the clear water discharged as specified.

(c) Protection of Sanitary and Building Sewers During Construction. No person constructing a sanitary sewer, building or house connection shall leave the same open, unsealed or incomplete in such a fashion as to permit storm, surface or subsurface water to enter such sewers.

(d) Obstructions in Sewers. No garbage or obstruction of any kind shall be placed or thrown in any receiving basin or sewer, and any person so offending shall be subject to penalty for each offense.

~~(e) Substances Prohibited.~~

- ~~(1) No person shall discharge or cause to be discharged, either directly or indirectly, any of the following described waters or wastes to any public sewers:~~
- ~~A. Any gasoline, benzine, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;~~
 - ~~B. Any waters or wastes having a pH lower than 6.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewerage works; or~~
 - ~~C. Solid or viscous substances, in quantities or of such size capable of causing obstruction to the flow in sewers or other interferences with the proper operation of the sewerage works, such as, but not limited to, ashes, unground bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, and the like, either whole or ground by garbage grinders.~~

- ~~(2) The accidental discharge of any prohibited liquid or solids material to any public sewer or natural outlet, either directly or indirectly, shall be reported to the Director immediately by the individual, company or industry responsible for the discharge.~~

~~(f) Substances Limited. The following described substances, materials, waters or wastes shall be limited in discharge to any public sewer to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger life, limb or public property or constitute a nuisance. The Director may set limitations lower than the limitations established in the regulations below if, in his or her opinion, more severe limitations are necessary to meet the above objectives. Deliberate dilution with unpolluted water to meet the concentrations established in the regulations below shall not be acceptable. In forming his or her opinion as to acceptability, the Director 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, the capacity of the wastewater treatment plant, the degree of treatability of the waste in the wastewater plant and other pertinent factors. The limitations or restrictions on materials or characteristics of wastes or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Director are as follows:~~

- ~~(1) Wastewater having a temperature higher than 150°F (65°C);~~
- ~~(2) Wastewater containing more than 100 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, products of mineral oil origin, or floatable oils, fat, wax or grease (freon soluble);~~
- ~~(3) Wastewaters containing oil or grease or other substances which will solidify or become discernibly viscous at temperatures between 32°F and 150°F;~~
- ~~(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 in kitchens, for the purpose of consumption on the premises, or when served by caterers. The installation and operation of any garbage grinder equipped with a motor of three fourths horsepower or greater shall be subject to the review and approval of the Director;~~
- ~~(5) Any waters or wastes 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 wastewater treatment process, constitute a hazard to humans or animals, to create a public nuisance or to create any hazard in the receiving waters of the wastewater treatment plant, including, but not limited to, cyanides, hexavalent chromium, copper, zinc, cadmium, nickel and phenols in the wastes as discharged to the public sewer. Industrial users who discharge pollutants in concentrations that exceed established domestic concentrations must obtain an industrial user permit prior to initiating said discharge. All wastewater discharging entities shall not exceed the concentrations specified in their respective and most current discharge permit.~~

<i>Pollutant</i>	<i>Limits</i>
Arsenic	0.12 mg/l
Cadmium	0.082 mg/l
Chromium (Total)	3.67 mg/l
Chromium (Hexavalent)	0.28 mg/l
Cyanide	0.11 mg/l

Copper	1.0 mg/l
Lead	1.109 mg/l
Molybdenum	0.437 mg/l
Nickel	1.92 mg/l
Selenium	0.096 mg/l
Zinc	2.72 mg/l
Merecury	0.0005 mg/l
Silver	0.2 mg/l
Total phosphorus	10 mg/l

A. ~~These maximum concentrations may be changed as necessary by the Director or state regulatory agencies, based on new information concerning inhibitory substances or to protect treatment plant processes. Industrial dischargers covered by federal pretreatment requirements shall meet those limitations specified under the effluent guidelines published under §§ 307 (b) and (c) of the Federal Act, being 33 U.S.C. §§ 1317(b) and (c), or the above concentrations, whichever is more stringent. Major contributing industries discharging incompatible pollutants into the public sewers shall be regulated as provided in subsection (g) hereof;~~

- ~~(6) Any waters or wastes containing taste or odor producing substances exceeding limits which may be established by the Director or any local or state regulatory agencies;~~
- ~~(7) Any radioactive wastes or isotopes of such half life or concentration as may exceed limits in compliance with applicable state or federal regulations;~~
- ~~(8) Quantities of flow, concentrations or both which constitute a slug;~~
- ~~(9) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable only to such a degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters;~~
- ~~(10) Any waters or wastes, which, by interaction with other waters 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;~~
- ~~(11) Any waters or wastes that contain more than ten mg/l of the following gases: hydrogen sulfide, sulfur dioxide or nitrous oxide;~~
- ~~(12) Any waters or wastes having a pH in excess of 9.5;~~
- ~~(13) Any waters or wastes containing strong acid from pickling wastes or concentrated plating solutions, whether neutralized or not;~~
- ~~(14) Any waters or wastes containing suspended or dissolved solids of such character and quantity that unusual provisions, attention or expense is required to handle such materials at the wastewater treatment plant;~~
- ~~(15) Any water or wastes having excessive discoloration (such as, but not limited to, dye wastes and spent tanning solutions); and~~
- ~~(16) Any waters or wastes containing unusual BOD5, COD or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment plant.~~

(e) (g) Authority for Control of Wastewater Discharges.

- (1) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which contain the substances or possess the characteristics enumerated in

subsections (e) and (f) hereof, and which, in the judgment of the Director, may have a deleterious effect upon the wastewater facilities, processes, equipment or receiving waters, including a violation of applicable water quality standards, or which otherwise create a hazard to life or constitute a public nuisance, the Director shall:

- A. Reject the wastes;
 - B. Require pretreatment to an acceptable condition for discharge to the public sewers;
 - C. Require control over the quantities and rates of discharge; and/or
 - D. Require payment to cover the added cost of handling and treating the wastes under the extra strength surcharge provisions of Chapter 1046.
- (2) All industrial wastewaters discharged to the public sewers by major contributing industries shall, as a minimum, meet the national pretreatment standards or best practical control technology currently available for incompatible pollutants, as published in 40 CFR ~~403 428~~, unless the City is committed, in its NPDES permit, to remove a specified percentage of the incompatible pollutant. In those instances, the applicable pretreatment standards may be correspondingly reduced to levels determined by the Director or his or her duly authorized representative or any state regulatory agencies.
- (3) If the Director requires pretreatment or equalization of waste flows, the design and installation of the plans and equipment shall be subject to the review and approval of the Director and any state regulatory agencies and subject to the requirements of all applicable codes, ordinances and laws. No permit will be granted until such pretreatment facilities have been placed in operation and have demonstrated their effectiveness by test. The cost of such testing, sampling and analyzing shall be borne by the wastewater contributor. The approval of proposed pretreatment facilities by the Director does not guarantee that these facilities or equipment will function in the manner described by their manufacturer, nor shall it relieve a person, firm or corporation of the responsibility of enlarging or otherwise modifying such facilities to accomplish the intended purpose.

~~(f) (h)~~ Grease and Oil Interceptors. For grease, oil and inorganic material, such as sand, grit, and the like, interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, ~~as specified in subsection (f)(2) hereof,~~ or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Director and shall be located so as to be readily and easily accessible for cleaning and inspection. In the maintenance of these interceptors, the owner shall be responsible for the proper removal and disposal, by appropriate means, of the captured material and shall maintain records of the dates and means of disposal, which are subject to review by the Director. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms.

~~(g) (i)~~ Operation of Pretreatment Facilities. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner, at his or her expense, and shall be subject to periodic inspection by the Director. The owner shall maintain operating records and shall submit to the Director a quarterly summary report of the character of the influent and effluent to show the performance of the treatment facilities.

(h) (j) Measurements, Tests and Analyses. All measurements, tests 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* or *EPA Methods*. Reference shall also be made to the EPA Guidelines Establishing Test Procedures for Analysis of Pollutants (40 CFR 136). Sampling methods, location, times, durations and frequencies are to be determined on an individual basis, subject to approval by the Director.

(i) (k) Special Conditions. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial wastewater of unusual strength or character may be accepted by the City for treatment, subject to possible payment therefor by the industrial concern for subsequent treatment. Any industrial concern may appeal any determination made by the Director in the enforcement of this Chapter. Any contract with an industry shall be governed by all sewer service charges and regulations, as established in the City's ordinances.

(Ord. 79-33. Passed 06-/04/79; Ord. 04-28. Passed 07/08/04; Ord. 05-23. Passed 06/09/05; Ord. 10-42. Passed 09/10/10; Ord. 15-41. Passed 09/10/15; **Ord. 2020-20. Passed **/**/20**)

1044.07 **(RESERVED) CONTROL OF INDUSTRIAL WASTEWATERS.**

~~(a) *Submission of basic data.* Within 60 days after passage of this section, each person whose operation entails the discharge of industrial wastewater to a public sewer shall prepare and file with the City a written statement setting forth the nature of the operation contemplated or presently carried on, the amount and source of water required for use, the proposed point of discharge of such wastewater into the wastewater collection system of the City, the estimated amount to be so discharged and a fair statement setting forth the expected bacterial, physical, chemical and other known characteristics of such wastewater. Within a reasonable time of receipt of such statement, it shall be the duty of the City to make an order stating such minimum restrictions as, in the judgment of the Director, may be necessary to adequately guard against unlawful uses of the City's wastewater system. If such a statement has been previously filed with the City to the satisfaction of the Director, the requirements of this section will be waived.~~

~~(b) *Extension of time.* 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 (a) hereof, a request for an extension of time may be presented for the consideration of the Director. All requests for an extension of time shall be submitted in writing, stating the reasons for such a request. Under no circumstances shall the extension of time exceed 30 days after approval of the extension by the Director.~~

~~(c) *Control manholes.*~~

~~(1) Each person discharging industrial wastewater into a public sewer shall construct and maintain one or more control manholes or access points to facilitate observation, measurement and sampling of his or her wastewater, including sanitary wastewater.~~

~~(2) Control manholes or access facilities shall be located and built in a manner acceptable to the Director. If measuring devices are to be permanently installed, they shall be of a type acceptable to the Director.~~

~~(3) Control manholes, access facilities and related equipment shall be installed by the person discharging the wastewater, at his or her expense, and shall be maintained by him or her so as to be in safe condition, accessible and in proper operating condition at all times. Plans for the installation of such facilities shall be approved by the Director prior to the beginning of construction.~~

- ~~(4) In the event no special manhole has been required, the control manhole may be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.~~

~~(d) Wastewater volume determination.~~

- ~~(1) The volume of flow used for computing industrial wastewater charges shall be the metered water consumption of the industrial user, as shown in the records of water meter readings maintained by the City, except as herein provided in the following subsections.~~
- ~~(2) If the person discharging industrial wastewater into the public sewers procures any part or all of his or her water from sources other than the City water system, all or part of which is discharged into the public sewers, the person shall install and maintain, at his or her expense, water meters of a type approved by the Director for the purpose of determining the volume of water obtained from those other sources.~~
- ~~(3) The person discharging industrial wastewater into the public sewers may install and maintain, at his or her expense, metering devices for determining the volume of wastewater being discharged to the public sewer, from which the industrial wastewater charges would be computed. The measuring devices shall be of a type acceptable to the Director.~~
- ~~(4) The Director may require the installation of devices for measuring the volume of wastewater discharged if these volumes cannot otherwise be determined from the metered water consumption records.~~
- ~~(5) Any metering device for determining the volume of wastewater discharged to the public sewer shall be installed, owned and maintained by the industrial user. Following approval and installation, such meters may not be removed without the consent of the Director.~~

~~(e) Sampling and monitoring.~~

- ~~(1) Industrial wastewaters discharged into the public sewers shall be subject to periodic inspection, with a determination of the character and concentration of such wastes. The determination shall be made as often as may be deemed necessary by the Director, but in no case less than one 24 hour composite sample per quarter. The owner shall be responsible for the collection and testing of the aforementioned samples.~~
- ~~(2) Samples shall be collected in such a manner as to be representative of the composition of the wastewater. The sampling shall be accomplished by the use of automatic sampling equipment capable of collecting composite samples or by other approved means.~~
- ~~(3) Access to sampling locations shall be granted to the Director or his or her authorized representative at all times. Care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.~~

~~(f) Analyses.~~

- ~~(1) Laboratory procedures used in the examination of industrial wastewaters shall be those set forth in the latest edition of *Standard Methods* or *EPA Methods*. However, alternative methods for certain analyses of industrial wastewaters may be used, subject to a mutual agreement between the Director and the industrial user. Reference shall also be made to the *EPA Guidelines Establishing Test Procedures for Analysis of Pollutants* (40 C.F.R. 136).~~
- ~~(2) Determination of the character and concentration of industrial wastewaters shall be made by the industrial user responsible for the discharge, or the industrial user's qualified agent, as approved by the Director. The results of the analyses shall be~~

~~reported to the City on a quarterly basis on forms provided by the City. The City may make its own analyses on the wastewaters, and these determinations, when made, shall be binding as a basis for charges, except under the following circumstances: in case the analyses performed by the industry and the City result in substantially different values, an effort shall be made by the industry to collect samples at the same time the City collects its own samples. The results of the analyses on the samples collected by the City and the industry shall be compared, using the same testing procedures outlined in the latest edition of *Standard Methods*, and the differences negotiated.
(Ord. 79-33, passed 6-14-1979)~~

CHAPTER 1048
Discharges into Wastewater Treatment Plant

<u>1048.01 Purpose and Policy</u>	<u>1048.07 Industrial Discharge Permit System</u>
<u>1048.02 Administration</u>	<u>1048.08 Industrial Wastewater Monitoring and Reporting</u>
<u>1048.03 Definitions</u>	<u>1048.09 Fees</u>
<u>1048.04 Prohibitions and Limitations on Wastewater Discharges</u>	<u>1048.10 Enforcement Procedures</u>
<u>1048.05 Control of Wastewater Discharges</u>	<u>1048.11 Penalty Provisions</u>
<u>1048.06 General Requirements</u>	<u>1048.12 Savings Clause</u>

CROSS REFERENCES

Compulsory Sewer Connections – see ORC 729.06
Interference with Sewage Flow – see ORC 4933.24
Residential Sewers and Connections Regulations – see ORC 729.51
Sewer User Charges - see ADM 298.01; S.U. & P.S. Ch. 1046
Sewerage Rates – see ORC 729.49
Water & Sewer Extension Cost Recovery Fees – see S.U. & P.S. Ch. 1052
Water & Sewer Extension Policy – see S.U. & P.S. Ch. 1050
Water & Sewer Extension Projects – see S.U. & P.S. Ch. 1054

1048.01 PURPOSE AND POLICY.

(a) Objectives. This Chapter of the Codified Ordinances sets forth uniform requirements for users of the City’s wastewater collection system and the publicly-owned treatment works, known collectively as the Xenia Wastewater Treatment Plant (XWWTP), in compliance with all applicable State and Federal laws, including the Clean Water Act (33 USC 1251 et seq.), and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this Chapter are:

- (1) To prevent the introduction of pollutants into the XWWTP that will interfere with the operation of the XWWTP;**
- (2) To prevent the introduction of pollutants into the XWWTP that will pass through the XWWTP, inadequately treated, into receiving waters or otherwise be incompatible with the XWWTP;**
- (3) To protect both XWWTP personnel who may be affected by wastewater and sludge in the course of their employment and the general public;**
- (4) To promote reuse and recycling of industrial wastewater and sludge from the XWWTP;**
- (5) To provide for fees for excess strength of wastewater discharged to the XWWTP;**
- (6) To enable the XWWTP to comply with its NPDES Permit conditions, sludge use and disposal requirements and any other Federal or State laws to which the facility is subject.**

(b) Applicability. This Chapter shall apply to all industrial and/or any significant users of the XWWTP.

(c) Purpose. This Chapter authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance and enforcement activities; establishes administrative review and enforcement procedures; requires industrial user reporting; and provides for fees for excess strength of waste discharged to the XWWTP.

(Ord. 2020-20. Passed **//20)**

1048.02 ADMINISTRATION.

Except as otherwise provided herein, the Director shall administer, implement, and enforce the provisions of this Chapter. Any powers granted to or duties imposed upon the Director may be designated by the Director to a duly authorized City employee.

(Ord. 2020-20. Passed **//20)**

1048.03 DEFINITIONS.

Unless the context specifically indicates otherwise, the following terms, as used in this Chapter, shall have the meanings hereinafter designated:

(a) The Act. The Federal Water Pollution Control Act, also known as the “Clean Water Act,” and any amendments thereto (33 USC 1251 et seq.).

(b) Approval Authority. The State of Ohio Environmental Protection Agency (Ohio EPA).

(c) Authorized or Duly Authorized Representative of the User.

(1) If the user is a corporation:

A. The president, secretary, treasurer or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or

B. The manager of one or more manufacturing, production or operation facilities, provided that the manager:

(i) Is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital-investment recommendations, and of initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations;

(ii) Can ensure that the necessary systems are established or that the necessary actions are taken to gather complete and accurate information for control-mechanism requirements; and

(iii) Is assigned or delegated the authority to sign documents in accordance with corporate procedures.

(2) A general partner or proprietor, if the industrial user submitting the report is a partnership or sole proprietorship, respectively.

(3) A member or manager, if the industrial user submitting the report is a limited liability company.

(4) A duly authorized representative of the individual designated in division (c)(1), (c)(2) or (c)(3) of this section, if:

A. The authorization is made in writing by the individual described in division (c)(1), (c)(2) or (c)(3) of this section;

B. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

C. The written authorization is submitted to the control authority.

(5) If an authorization under division (c)(4) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of division (c)(4) of this

section shall be submitted to the control authority prior to, or together with, any reports to be signed by an authorized representative.

(d) Best Management Practices (BMPs). The schedules of activities, prohibitions of practices, maintenance procedures and other management practices to implement the prohibitions listed in OAC Section 3745-3-04. BMPs also include treatment requirements, operating procedures, and practices to control plant site-runoff, spillage or leaks, sludge or waste disposal and/or drainage from raw materials storage.

(e) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Celsius (20° C), expressed in terms of concentration by weight per unit volume.

(f) Bypass. The intentional diversion of wastes from any portion of a treatment or pretreatment facility.

(g) Categorical Industrial User. An industrial user subject to a categorical pretreatment standard or categorical standard.

(h) Categorical Pretreatment Standards. Any standard, including national categorical pretreatment standards, specifying quantities of concentrations of pollutants or pollutant properties that may be discharged to a XWWTP by a new or existing industrial user in specific industrial categories.

(i) CFR. The Code of Federal Regulations, and any amendments thereto.

(j) Chemical Oxygen Demand (COD). A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

(k) City. The City of Xenia, Ohio.

(l) Composite Sample. A sample that is collected over time, formed either by time-continuous sampling or by mixing discrete samples.

(1) The sample may be composited as a time-composite sample composed of discrete sample aliquots collected in one container at constant-time intervals providing representative samples irrespective of stream flow; or

(2) The same may be composited as a flow-proportional composite sample, collected either as a constant sample volume at time intervals proportional to stream flow or collected by increasing the volume of each aliquot as the flow increases while maintaining a constant time interval between the aliquots.

(m) Control Authority. The City of Xenia, Ohio.

(n) Cooling Water.

(1) *Uncontaminated or Non-Contact Cooling Water:* Water used for cooling purposes only that has no direct contact with any raw material, intermediate product or final product and that does not contain a level of contaminants detectably higher than that of the intake water.

(2) Contaminated or Contact Cooling Water: Water used for cooling purposes only that may become contaminated either through the use of water treatment chemicals used for corrosion inhibitors or biocides or by direct contact with process materials and/or wastewater.

(o) Daily Maximum. The maximum allowable discharge of a pollutant during a calendar day. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limitations are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

(p) Director. The Public Service Director of the City of Xenia and/or his designee.

(q) Domestic Wastewater. The liquid wastes resulting from the noncommercial preparation, cooking and handling of food, or liquid wastes containing human excrement and/or similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities and institutions.

(r) EPA.

(1) USEPA means the United States Environmental Protection Agency; and

(2) OEPA means the State of Ohio Environmental Protection Agency.

(s) Grab Sample. An individual sample collected in less than fifteen (15) minutes, without regard for flow or time.

(t) Indirect Discharge. The introduction of pollutants into the XWWTP from any nondomestic source.

(u) Industrial User. An institution, or a manufacturing, commercial or industrial facility, or any other trade or business establishment discharging non-domestic wastewater to the XWWTP.

(v) Industrial Wastewater. Any water that, during manufacturing or processing, comes into direct contact with, or results from, the production or use of any raw material, intermediate product, finished product, by-product or waste product.

(w) Interference. A discharge that, along or in conjunction with a discharge or discharges from other courses, inhibits or disrupts the XWWTP, its treatment processes or operations or its sludge processes use or disposal; or a discharge that is a cause of a violation of any requirement of the XWWTP's NPDES permit, including an increase in the magnitude or duration of a violation or of the prevention of sewage sludge use or disposal.

(x) Local Limits. The specific discharge limits developed and enforced by the control authority upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

(y) Mid-Tier Categorical User. A significant industrial user subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N, who the control authority determines is subject to a reduction in the user's reporting requirement and the control authority's monitoring and inspection requirements, upon satisfaction of the following conditions:

- (1) The industrial user's total categorical wastewater flow does not exceed any of the following:
 - A. One percent (1.0%) of the design dry-weather hydraulic capacity of the XWWTP, or five thousand gallons (5000 gal.) per day, whichever is smaller, as measured by a continuous-effluent-flow monitoring device unless the industrial user discharges in batches;
 - B. One percent (0.01%) of the design dry-weather organic treatment capacity of the XWWTP; or
 - C. One percent (0.01%) of the maximum allowable headworks-loading for any pollutant regulated by the applicable categorical pretreatment standards for which approved local limits were developed by the XWWTP;
- (2) The industrial user has not been in significant noncompliance, as defined in this chapter, for any time in the past two (2) years; and
- (3) The industrial user does not have daily flow rates, production levels or pollutant levels which vary so significantly that decreasing the reporting requirement would result in data that is not representative of conditions occurring during the reporting period;

(z) Monthly Average. The arithmetic mean of all daily discharges during a calendar month.

(aa) National Categorical Pretreatment Standard. A categorical pretreatment standard promulgated by the USEPA Administrator, in accordance with Section 307 of the Act, and established under 40 CFR Chapter I, Subchapter N.

(bb) National Pollutant Discharge Elimination System (NPDES). The program for issuing, conditioning and denying permits for the discharge of pollutants, under the authority of Section 402 of the Act, into navigable waters of the United States.

(cc) National Pretreatment Standard. Any regulation of the USEPA containing pollutant discharge limits promulgated by the USEPA Administrator, in accordance with Sections 307(b) and (c) of the Act, that applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

(dd) NPDES Permit. A permit issued to the XWWTP, as a POTW, pursuant to Section 402 of the Act.

(ee) New Source. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which began after the publication of proposed pretreatment standards under Section 307 (c) of the Act that will be applicable to such source, if such standards are thereafter promulgated in accordance with that section; provided, however, that one of the following three conditions are met:

- (1) The construction occurs at a new site;
- (2) The construction on an existing site totally replaces the process or production equipment causing the discharge; or
- (3) The construction is substantially independent of an existing source at the same site.

New source dischargers are required to install and start up technology prior to discharging to the XWWTP and to achieve compliance within the shortest time feasible, not to exceed ninety (90) days after commencement of discharge.

(ff) Non-Significant Categorical Industrial User. An industrial user subject to 40 CFR Chapter I, Subchapter N, who the control authority determines is a non-significant categorical industrial user rather than a significant industrial user, upon finding that the industrial user does not discharge more than one hundred gallons (100 gal.) per day of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater) and if the following conditions are met:

- (1) The industrial user has consistently complied with all applicable categorical pretreatment standards and requirements;**
- (2) The user submits an annual certification statement required in OAC Section 3745-3-06(J) together with any additional information necessary to support the certification statement; and**
- (3) The user never discharges any untreated concentrated wastewater.**

(gg) OAC. The Ohio Administrative Code, and any amendments thereto.

(hh) ORC. The Ohio Revised Code, and any amendments thereto.

(ii) Pass-Through. A discharge which exits the XWWTP into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the XWWTP's NPDES permit, including an increase in the magnitude or duration of a violation.

(jj) pH. The logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution that is used as an expression of the acid or alkaline base condition of a liquid measured on a scale from zero to fourteen (0 to 14), where zero (0) is most acidic, fourteen (14) is most alkaline, and seven (7) is neutral.

(kk) Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, discharging such wastewater into the XWWTP.

(ll) Pretreatment Requirement. Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard imposed on industrial users of the XWWTP.

(mm) Pretreatment Standards. Include prohibited discharge standards, categorical pretreatment standards and/or local limits.

(nn) Prohibitive Discharge Standards. The prohibitive discharge limits established pursuant to 40 CFR 403.5 and contained in Section 1048.04 of this Chapter.

(oo) Process Wastewater. Has the same meaning as industrial wastewater (see division (v), above).

(pp) Significant Industrial User (SIU).

- (1) All industrial users subject to categorical pretreatment standards; or**
- (2) An industrial user that discharges an average of twenty-five thousand gallons (25,000 gal.) per day or more of process wastewater to the XWWTP; or contributes a process waste stream which makes up five percent (5%) or more of the average dry-weather hydraulic or organic capacity of the XWWTP; or has a reasonable potential, in the opinion of the Director, to adversely affect the XWWTP's operation or for violating any pretreatment standard or requirement,**

except that the Director may, at any time, on his own initiative or in response to a petition received from an industrial user, determine that such user should not be considered.

(qq) Significant Non-Compliance. A violation by a significant industrial user that meets one (1) or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter at any permitted monitoring point during a six (6) month period exceed, by any magnitude, a numeric pretreatment standard or requirement, including instantaneous limits;
- (2) Technical review criteria (TRC) violations, defined here are those in which thirty-three percent (33%) or more of all of the measurements taken for the same pollutant parameter at any permitted monitoring point during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits multiplied by the applicable TRC,
TRC = 1.4 for BOD, TSS, fats, oil and grease
TRC = 1.2 for all other pollutants except for pH;
- (3) Any other violation of a pretreatment standard or requirement, as defined by OAC 3745-03-01, that the control authority determines has caused, alone or in conjunction with other discharges, interference or pass-through, including endangering the health of XWWTP personnel or the general public;
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment, or that has resulted in the XWWTP's exercise of emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction or attaining final compliance;
- (6) Failure to provide, within forty-five (45) days after the due date, required reports such as baseline monitoring reports, ninety- (90) day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules;
- (7) Failure to accurately report non-compliance; or
- (8) Any other violation or group of violations, which may include a violation of BMPs, that the Director determines will adversely affect the operation or implementation of the local pretreatment program.

(rr) Slugload/Slug Discharge. Any discharge at a flow rate and/or pollutant concentration which could cause a violation of the prohibited discharge standards in Section 1048.04 of this Chapter. A slug discharge is any discharge of a non-routine, episodic nature including, but not limited to, an accidental spill or a non-customary batch discharge which has a reasonable potential to cause interference or pass-through, or in any other way violate the XWWTP's regulations, local limits or permit conditions.

(ss) Surcharge. The assessment, in addition to other applicable charges, which is levied on those persons and/or industrial users whose wastewater is greater in strength than normal domestic sewage.

(tt) Suspended Solids.

- (1) Solids that either float on the surface of or are in suspension in water, wastewater or other liquids and which are largely removable by laboratory filtering; and/or

(2) The quantity of material removed from wastewater in a laboratory test, as prescribed in 40 CFR Part 136.

(uu) USC. The United States Code, and any amendments thereto.

(vv) User or Person. Any individual, firm, company, partnership, corporation, association, group or society, including the State of Ohio and its agencies, districts, commissions and political subdivisions.

(ww) Xenia Wastewater Treatment Plant (XWWTP). One or more publicly-owned treatment works (POTW), as defined by Section 212 of the Act, which is owned, leased or contracted to operate by the City. This definition includes any devices and/or systems used in the storage, treatment, recycling and reclamation of sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances, if they convey wastewater to a publicly-owned treatment plant, and further includes the City's jurisdiction over the discharges to and the discharges from the XWWTP.
(Ord. 2020-20. Passed **/**/20)

1048.04 PROHIBITIONS AND LIMITATIONS ON WASTEWATER DISCHARGES.

(a) General Prohibitions.

- (1) No user shall introduce, or cause to be introduced, into the XWWTP any pollutant or wastewater which causes pass-through or interference. These general prohibitions apply to all users of the XWWTP, whether or not they are subject to categorical pretreatment standards or any other Federal, State or local pretreatment standard or requirement.
- (2) No person shall discharge, convey or permit, or allow to be discharged or conveyed, to a public sewer any wastewater containing pollutants of such character or quantity that will:
 - A. Not be susceptible to treatment or interfere with the process or efficiency of the treatment system;
 - B. Violate pretreatment standards or requirements; or
 - C. Cause the XWWTP to violate its NPDES permit or applicable receiving water standards.

(b) Specific Prohibitions. No user shall discharge or cause to be introduced into the XWWTP any of the following:

- (1) Pollutants that create a fire or explosion hazard in the XWWTP including, but not limited to, waste streams with a closed-cup flashpoint of less than one hundred forty degrees Fahrenheit (140° F) or sixty degrees Celsius (60° C) using the test method specified in 40 CFR 261.21;
- (2) Pollutants that will cause corrosive structural damage to the XWWTP, but in no case discharges with a pH lower than 6.0 or higher than 11.5;
- (3) Solid or viscous pollutants in amounts that will cause obstruction to the flow in the XWWTP and thereby result in interference;
- (4) Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration that will cause interference with the XWWTP;
- (5) Heat in amounts that will inhibit biological activity in the XWWTP and result in interference, but in no case heat in such quantities that the temperature at the XWWTP exceeds one-hundred forty degrees Fahrenheit (140° F) or forty degrees Celsius (40° C);

- (6) Discharges of petroleum oil, non-biodegradable cutting oil or products of mineral-oil origin, if discharged in amounts than can cause pass-through or interference;
- (7) Pollutants that result in the presence of toxic gases, vapors or fumes within the XWWTP in a quantity that may cause acute worker health and safety problems;
- (8) Any water or waste containing wax, fats, grease or oils, whether emulsified or not, in excess of one hundred milligrams per liter (100 mg/l), or containing substances that may solidify or become viscous at temperatures between thirty-two and one hundred fifty degrees Fahrenheit (32° - 150° F) or between zero and sixty-five and one half degrees Celsius (0° - 65.5° C);
- (9) Noxious or malodorous solids, liquids or gases which, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into a sewer for its maintenance and repair;
- (10) Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewers, with no particle greater than one-half inch (1/2") in any dimension;
- (11) Wastewaters at a flow rate or containing such concentrations or quantities of pollutants that exceeds, for any time period longer than fifteen (15) minutes, more than five times (5x) the average twenty-four (24) hour concentration, quantities or flow during normal operation and that would cause a treatment process upset and subsequent loss of treatment efficiency;
- (12) Any toxic substances in amounts exceeding standards promulgated by the Administrator of the USEPA, pursuant to Section 307(a) of the Act; any chemical elements or compounds, phenols or other taste or odor-producing substances; or any other substances which are not susceptible to treatment, or that may interfere with the biological processes or efficiency of the XWWTP or that will pass through the system including, but not limited to, cadmium, chromium, copper, lead, nickel, and zinc;
- (13) Any unpolluted water including, but not limited to, stormwater, surface water, roof runoff and/or noncontact cooling water, that will increase the hydraulic load on the XWWTP, unless otherwise specifically authorized by the City;
- (14) Wastes that impart color which cannot be removed by the treatment process including, but not limited to, dye wastes and vegetable tanning solutions, and that consequently impart color to the XWWTP's effluent, thereby violating the NPDES permit; or
- (15) Discharges of trucked or hauled wastes, except at specific locations and times as designated by the Director. Any removal of manhole lids or other access to the sewer system for the purpose of discharging wastes at times and/or locations other than those designated, or without the expressed permission of the Director, shall be considered a violation and shall be subject to enforcement action including fines and penalties allowed under this Chapter.

(c) Exceptions. Nothing in this section shall be construed as preventing any special agreement or arrangement between the City and any user of the XWWTP whereby wastewater of unusual strength or character is discharged into the system; however, no agreement shall be made which violates any Federal or State standards or requirements, including categorical pretreatment standards.

(d) Discharge Limitations.

- (1) The approved pretreatment program for the XWWTP sets wastewater discharge limitations for arsenic, cadmium, chromium, cyanide, copper, lead, molybdenum, nickel, mercury, silver and zinc for significant industrial users discharging to the City's sewer system. Such limits shall be specified in the significant industrial user's wastewater discharge permit issued by the City.**
- (2) All other industrial users of the XWWTP may not discharge above generally accepted domestic levels without receiving a wastewater discharge permit from the City.**
- (3) Discharge permits shall impose maximum discharge-concentration limits or mass-based limits where appropriate.**
- (4) Local requirements and limitations on discharges to the XWWTP shall be met by all users subject to those standards in any instance in which they are more stringent than Federal or State requirements and limitations.**

(e) Standards.

- (1) National categorical pretreatment standards, as promulgated by the USEPA pursuant to the Act, shall be met by all industrial users who are subject to such standards.**
- (2) State requirements and limitations on discharges to the XWWTP shall be met by all users subject to those standards in any instance in which the State requirements are more stringent than the Federal requirements and limitations, or those in this chapter or any other applicable ordinance.**
(Ord. 2020-20. Passed **//20)**

1048.05 CONTROL OF WASTEWATER DISCHARGES.

(a) City's Authority to Control Discharges. If wastewaters containing any substances described in Section 1048.04 of this Chapter are discharged, or proposed to be discharged, into the sewer system of the City or to any sewer system tributary thereto, the City may:

- (1) Prohibit the discharge of such wastewater;**
- (2) Require the user to make modifications that will reduce or eliminate the discharge of such substance to achieve compliance with this chapter;**
- (3) Require pretreatment, including storage facilities or flow equalization, necessary to reduce or eliminate the objectionable characteristics or substances to achieve compliance with all categorical pretreatment standards, local limits and prohibitions set out in Section 1048.04 of this Chapter;**
- (4) Require the user making, causing or allowing the discharge to pay any additional costs or expenses incurred for handling and treating excess loads imposed on the XWWTP;**
- (5) Take any other remedial action as may be deemed desirable or necessary to achieve the purposes of this chapter; and/or**
- (6) Require the user responsible for the discharge or proposed discharge to apply for and obtain a wastewater discharge permit authorizing and limiting the discharge for specific pollutants.**

(b) City Authority over Pretreatment or Flow Equalization.

- (1) Where pretreatment or flow equalization prior to discharge into the XWWTP is required, plans, specifications and other pertinent data or information relating to such pretreatment or flow-control facilities shall first be submitted to the City for review and approval. Such approval shall not exempt the user from compliance with any other applicable code, ordinance, rule, regulation or order of any**

governmental authority. Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without due notice to and prior approval of the City.

- (2) If pretreatment or flow equalization is required, such facilities shall be maintained in good working order and operated as efficiently as possible by the owner or operator at his or her own cost and expense, subject to the requirements of these rules and regulations and all other applicable codes, ordinances and laws.

(c) Monitoring.

- (1) The Director may require any user to provide, install and operate, at the user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the user's discharge to the City's sewer system. The monitoring facility shall be situated on the user's premises and located so that personnel will have unimpeded access at all times for inspection and sample collection. If the facilities are locked, special arrangements shall be made to allow access. The sampling and monitoring facilities shall meet the City's requirements, and construction of such facilities shall not begin until plans have been submitted to, and approved by, the City. The Director shall also have the right to set up monitoring devices at the facilities. There shall be ample room in or near such monitoring facilities to allow for additional monitoring devices. The monitoring facilities, sampling and flow measuring equipment must be maintained at all times in a safe and proper operating condition by and at the expense of the user.
- (2) Whenever the Director, in his sole discretion, deems it necessary, an authorized representative of the City, upon presentation of identification, may enter upon any property or premises at reasonable times for the purpose of copying any records required to be kept under the provisions of this chapter: inspecting any processes or equipment where wastewater is generated and discharged to the XWWTP; and/or sampling any discharge or wastewater to the XWWTP.

(d) Protection Against Accidental Discharge/Slug Discharge. Each industrial user shall provide, at its own cost and expense, protection from accidental discharges of prohibited materials or other wastes regulated by this chapter. The Director shall evaluate whether each industrial user needs a written accidental discharge/slug discharge control plan or other action to control slug discharges. The Director may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including non-routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the Director and the XWWTP of any accidental or slug discharge, as required by this chapter; and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge including, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site-runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(e) Duty to Notify Director. If, for any reason, a user does not comply with, or will not be able to comply with, any prohibition or limitation in this chapter, the user responsible for such discharge shall immediately notify the Director so that corrective action may be taken to

protect the XWWTP. In addition, a written report addressed to the Director detailing the exact date, time and cause of the accidental discharge, and the duration, quantity and characteristics of the discharge, shall be filed by the responsible person within five (5) days.
(Ord. 2020-20. Passed **/**/20)

1048.06 GENERAL REQUIREMENTS.

(a) Duty to Notify of Substantial Changes. All industrial users shall promptly notify the Director, at least thirty (30) days in advance, of any substantial changes in the volume or character of pollutants in their discharge to the XWWTP, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12(p).

(b) Prohibition Against Dilution. No industrial user shall increase the use of process water or potable water or in any other way attempt to dilute a discharge as a partial or complete substitution for adequate treatment in an attempt to achieve compliance with a pretreatment standard or requirement.

(c) Notification of Problematic Discharges. All significant industrial users shall notify the XWWTP immediately of all discharges that could cause problems to the XWWTP, including any slug loads.

(d) Bypassing Pretreatment Facility Prohibited.

- (1) All industrial users are prohibited from intentionally, recklessly or negligently bypassing any pretreatment facility.
- (2) Pretreatment facilities are required to be operated at all times; however, if an industrial user knows in advance of the need for a bypass due to necessary repairs or maintenance, it must give prior notice to the Director and XWWTP, at least ten (10) days before the date on which the bypass is to occur.
- (3) In the case of an unanticipated/unplanned bypass, the industrial user must notify the Director and XWWTP orally within twenty-four (24) hours of becoming aware of the bypass. This twenty-four- (24) hour notice must be followed within five (5) days with a written description of the bypass, its cause, duration and what has been done to rectify the situation or, if the bypass has not been corrected, how long it is expected to continue.
(Ord. 2020-20. Passed **/**/20)

1048.07 INDUSTRIAL DISCHARGE PERMIT SYSTEM.

(a) Application for Wastewater Discharge Permits.

- (1) All significant industrial users proposing to connect to, or discharge into, any part of the XWWTP must first obtain a discharge permit from the City, including the payment of any applicable fees.
- (2) All existing significant industrial users connected to, or discharging into, any part of the XWWTP must obtain a wastewater discharge permit and pay any applicable fees within ninety (90) days from and after the effective date of this Chapter.
- (3) The Director may require the submission of all or any of the following information as part of a permit application:
 - A. Identifying Information:
 - (i) The name and address of the facility, including the name of the operator and owner; and

- (ii) Contact information, description of activities, facilities and plant production processes on the premises.
- B. Environmental Permits: A list of any environmental control permits held by or for the facility.
- C. Description of Operations:
 - (i) A brief description of the nature, average rate of production, including each product produced by type, amount, processes, and rate of production, and standard industrial classifications of the operation(s) carried out by the user. This description should include a schematic process diagram that indicates points of discharge to the XWWTP from the regulated processes;
 - (ii) Types of wastes generated and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the XWWTP;
 - (iii) Number and type of employees, hours of operation and proposed or actual hours of operation;
 - (iv) Type and amount of raw materials processed (average and maximum per day); and
 - (v) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, floor drains and appurtenances by size, location and elevation, and all points of discharge.
- D. Discharge Information: Information of the proposed or current time and duration of all discharges.
- E. Flow Measurement: Information showing the measured average daily and maximum daily flow, in gallons per day, to the XWWTP from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula.
- F. Measurement of Pollutants:
 - (i) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources;
 - (ii) The results of sampling and analysis identifying the nature and concentration and/or mass, where required by the standard or by the Director, of regulated pollutants in the discharge from each regulated process;
 - (iii) Instantaneous, daily maximum and long-term average concentrations, or mass, where required, shall be reported; and
 - (iv) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures contained in 40 CFR 136, and amendments thereto. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the Director or the applicable standards to determine compliance with the standard.
 - (v) Sampling must be performed in accordance with procedures set out in Section 1048.08 of this Chapter.
- G. Monitoring Information:
 - (i) The location for monitoring all wastes covered by the permit; and
 - (ii) Any requests for a monitoring waiver, or a renewal of an approved monitoring waiver, for a pollutant neither present nor expected to be present in the discharge based on Section 1048.08 of this Chapter.

H. Other Information: Any other information as may be deemed necessary by Director to evaluate the permit application.

- (4) After evaluation and acceptance of the data furnished, the Director may issue a wastewater discharge permit subject to the terms and conditions provided in divisions (b) and (c) of this section.**
- (5) Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.**

(b) Wastewater Discharge Permit Contents. An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Director to prevent pass-through or interference; to protect the quality of the water body receiving the XWWTP's effluent; to protect worker health and safety; to facilitate sludge management and disposal; and/or to protect against damage to the XWWTP. Individual wastewater discharge 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 Director, in accordance with division (e) of this section, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;**
- (3) Effluent limits, including BMPs, based on applicable pretreatment standards;**
- (4) Self-monitoring, sampling, reporting, notification and record-keeping requirements. These requirements shall include an identification of pollutants (or BMP) 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 1048.08 of this Chapter;**
- (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;**
- (7) Requirements to control slug discharge, if determined by the Director to be necessary; and**
- (8) Any grant of a monitoring waiver by the Director must be included as a condition in the user's permit.**

(c) Wastewater Discharge Permit Conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other State and Federal laws and regulations, other local ordinances, and user charges and fees established by the City. Wastewater discharge permits shall be uniformly enforced in accordance with this chapter, and/or applicable State and Federal requirements, laws and regulations. Permit conditions may include, but are not limited to, the following:

- (1) Limits on rate and time of discharge or requirements for flow equalization;**
- (2) Requirements for installations of inspection and sampling facilities and specifications for monitoring programs;**
- (3) Requirements for maintaining and submitting technical reports and plant records relating to wastewater discharges;**
- (4) Limits on specific pollutants;**
- (5) Compliance schedules; and/or**

(6) Other conditions determined by the Director, in his sole discretion, to be necessary to assure the user's compliance with this chapter and/or other applicable state and federal laws, rules and regulations.

(d) Duration of Wastewater Discharge Permits. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period of less than one (1) year and may be stated to expire on a specific date. The terms and conditions of the permit may be subject to modification and change by the Director during the life of the permit, as limitations or requirements are modified and changed. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(e) Transfer of a Wastewater Discharge Permit. Permits may be reassigned or transferred to a new owner and/or operator with prior approval of the Director. The permittee must give at least thirty (30) days advance written notice to the Director of the permittee's intent to reassign or transfer the permit. The notice must include a written certification by the new owner/operator which states that the new owner has no immediate intent to change the facility's operations and processes, identifies the specific date on which the transfer is to occur, and acknowledges full responsibility for complying with the existing permit.

(f) Termination of Wastewater Discharge Permits. Wastewater discharge permits may be terminated by the Director for any of the following reasons:

- (1) Falsifying self-monitoring reports;**
 - (2) Tampering with monitoring equipment;**
 - (3) Refusing to allow the Director, or his authorized representative, timely access to the facility premises and records;**
 - (4) Failure to meet effluent limitations and/or failure to comply with all pretreatment requirements;**
 - (5) Failure to pay fines;**
 - (6) Failure to pay sewer charges; or**
 - (7) Failure to meet compliance schedules.**
- (Ord. 2020-20. Passed **/**/20)**

1048.08 INDUSTRIAL WASTEWATER MONITORING AND REPORTING.

(a) Baseline Monitoring Report (BMR).

- (1) Existing Users: Within one hundred eighty (180) days after the effective date of a categorical pretreatment standard, existing industrial users subject to such categorical pretreatment standards and currently discharging to, or scheduled to discharge to, the XWWTP shall be required to submit to the Director a BMR.**
- (2) New Sources: New sources and sources that become industrial users after promulgation of an applicable categorical standard, shall be required to submit to the Director a BMR at least ninety (90) days prior to commencement of discharge. A new source shall also report the method of pretreatment it intends to use to meet applicable categorical standards and shall give estimates of its anticipated flow and quantity of pollutants to be discharged.**
- (3) Required Information: A BMR shall contain all of the following information:**
 - A. All information required in divisions (a)(1), (a)(2), (a)(3)A., (a)(3)B, (a)(3)C(i), and (a)(6) of Section 1048.07 of this chapter.**
 - B. Measurement of Pollutants:**
 - (i) The user shall provide the information required in divisions (a)(7)A. through (a)(7)D. of Section 1048.07 of this Chapter.**

- (ii) The user shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of division (a)(3)B. of this section.
- (iii) 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 waste stream 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 Director.
- (iv) The Director may allow the submission of a BMR that utilizes only historical data, but only if the data provides information sufficient to determine the need for industrial pretreatment measures.
- (v) The BMR 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 XWWTP.

C. Compliance Certification: A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance and/or additional pretreatment is required to meet the pretreatment standards and requirements.

D. Compliance Schedule: If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or operation and maintenance must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

(4) Signature and Report Certification: All BMRs must be certified, in accordance with division (d)(4) of this section, and shall be signed by an authorized representative of the industrial user, in accordance with division (d)(3) of this section.

(b) Ninety-Day Compliance Report. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the XWWTP, any industrial user subject to the pretreatment standards and requirements shall submit to the Director a report containing the information described in both Section 1048.07(a)(6) of this Chapter and (a)(3)B. of this section. All ninety- (90) day compliance reports must be certified, in accordance with division (d)(4) of this section and shall be signed by an authorized representative of the industrial user, in accordance with division (d)(3) of this section.

(c) Periodic Compliance Reports (PCR).

(1) Any user subject to a pretreatment standard or requirement shall periodically submit to the Director a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards or requirements and the estimated average and maximum daily flows for the

reporting period. In cases where the pretreatment standard requires compliance with a BMP, the user must submit documentation, required by the Director or by the pretreatment standard, necessary to determine the compliance status of the user. Such reports shall be submitted according to the frequency prescribed in the industrial user's wastewater discharge permit. PCRs must be certified, in accordance division (d)(4) of this section and shall be signed by an authorized representative of the industrial user, in accordance with division (d)(3) of this section.

- (2) If an industrial user monitors any pollutant more frequently than required by the City, the results of this monitoring shall be included in PCR.

(d) Requirements Applicable to All Reports.

- (1) The reports required by this section shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period.
- (2) All sampling and analyses shall be performed in accordance with procedures contained in 40 CFR Part 136 and amendments thereto.
- (3) All reports required under this section shall be signed by an authorized representative or a duly authorized representative of the user.
- (4) Certification: All reports and applications required to be filed under this section shall contain, and be signed under, the following certification statement:

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.

(e) Duty to Report Violations Found During Sampling. If sampling performed by an industrial user indicates a violation, the user shall notify the Director within twenty-four (24) hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within thirty (30) days after becoming aware of the violation. The industrial user is not required to resample if:

- (1) The Director, or his authorized representative, samples the wastewater discharge of the industrial user at least once per month; or
- (2) The Director, or his authorized representative, performs sampling at the industrial user's facility(ies) between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

(f) Records.

- (1) All industrial users who discharge, or propose to discharge, wastewater to the XWWTP shall maintain such records of production and related factors, effluent flows and pollutant amounts or concentrations as are necessary to demonstrate compliance with the requirements of this chapter and any applicable State or Federal pretreatment standards or requirements.
- (2) All industrial users shall retain and preserve, for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence and/or any and

all summaries thereof, relating to monitoring sampling and laboratory analyses made by, or on behalf of, an industrial user in connection with its discharge.

- (3) All records pertaining to materials that are subject to administrative adjustment or any other enforcement or litigation activities brought by the City pursuant to this chapter shall be retained and preserved by the user until all enforcement activities have been concluded and all periods of limitation with respect to any and all appeals have expired.
- (4) Such records shall be made available upon request by the Director or his authorized representative.

(g) Monitoring.

- (1) The owner or operator of any premises or facility discharging industrial wastes into the system may be required to install, at his/her/its own cost and expense, suitable facilities to obtain accurate samples of wastewater flow into the XWWTP. Such facilities shall be maintained in proper working order and kept safe at all times.
- (2) When more than one (1) user can discharge into a common sewer, the Director may require installation of separate monitoring facilities for each user. When there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the Director may require that separate monitoring facilities be installed for each separate discharge.
- (3) Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with City requirements and all applicable construction on standards and specifications.

(h) Monitoring Waiver.

- (1) The Director may authorize an industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated, through sampling and other technical factors, that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user (40 CFR 403.12(e)(2)). This authorization is subject to all of the following conditions:
 - A. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility; provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.
 - B. The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than five (5) years. The user must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit.
 - C. In making a demonstration that a pollutant is not present, the industrial user must provide data from at least one (1) sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
 - D. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA-approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

- E. The request for a monitoring waiver must be signed in accordance with division (d)(3) of this section.
- (2) Any grant of the monitoring waiver by the Director must be included as a condition in the user's wastewater discharge permit. The reasons supporting the waiver, and any information submitted by the user in its request for the waiver, must be maintained by the Director for three (3) years after expiration of the waiver.
 - (3) Upon approval of the monitoring waiver and revision of the user's wastewater discharge permit by the Director, the industrial user must certify each report, in accordance with division (d)(4) of this section, that there has been no increase in the pollutant in its waste stream due to activities of the industrial user.
 - (4) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the user's operations, the user must immediately notify the Director and must comply with the monitoring requirements or other more frequent monitoring requirements imposed by the Director.
 - (5) This provision does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.
- (Ord. 2020-20. Passed **/**/20)

1048.09 FEES.

(a) Authority to Adopt Fees. The City may adopt charges and fees in connection with this Chapter, which may include:

- (1) Fees for reimbursement or costs for setting up and administering the pretreatment program;
 - (2) Fees for monitoring, inspection and surveillance procedure necessary for proper implementation of the pretreatment program;
 - (3) Fees for filing a waste discharge permit application;
 - (4) Surcharges for high strength or unusual wastewater discharges;
 - (5) Tap-in-fees; and/or
 - (6) Flow charges.
- (Ord. 2020-20. Passed **/**/20)

1048.10 ENFORCEMENT PROCEDURES.

(a) Authority of the Director.

- (1) Whenever the Director finds that any user has violated or is violating this chapter, or any pretreatment standard, limitation or requirement, the Director may serve upon such user a written notice stating the nature of the violation and providing a reasonable time, not to exceed thirty (30) days, for the satisfactory correction thereof.
- (2) If a violation is not corrected by timely compliance, the Director may issue an administrative order requiring any person who causes or allows an unauthorized discharge to show cause before the Director why sewer service should not be terminated.
- (3) The Director may issue a notice to the industrial user responsible for a discharge that violates any requirement of this chapter stating that the sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed or existing treatment facilities, devices or other related appurtenances are properly operated.

(b) Compliance Schedule.

- (1) When, in the opinion of the Director, it becomes necessary for industrial users to install technology or provide additional operation and maintenance to meet any condition of this chapter or applicable administrative order, the Director may require the development of the shortest schedule by which the industrial user will provide this additional technology or operation and maintenance.**
- (2) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events. Under no circumstances shall any increment exceed nine (9) months.**
- (3) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the Director including, at a minimum, whether it has complied with the increment or progress to be met on such date and, if not, the date on which it expects to comply with the increment of progress, the reason for delay and the steps being taken to return to the schedule established.**

(c) Suspension of Service and Discharge Permits. The Director may, for good cause shown, suspend the wastewater treatment service and the wastewater discharge permit of a user when it appears to the Director that an actual or threatened discharge presents an imminent or substantial danger to the health or welfare of persons, the environment or the XWWTP, or interferes with or threatens to interfere with the operation or performance of the XWWTP. Any user notified of the suspension of wastewater treatment services or their wastewater discharge permit shall immediately cease all discharges. In the event a user fails to immediately comply voluntarily with the suspension order, the Director shall take such steps as deemed necessary, including severance of the sewer connection.

(d) Revocation of Permit. The Director may revoke the wastewater discharge permit of any user who violates any condition of this chapter or of its permit, or an order of the Director or a court of competent jurisdiction.

(e) Annual Publication. Annually, the City shall publish a list of all significant industrial users who, at any time in the previous twelve (12) months, were in significant non-compliance with applicable pretreatment requirements. This publication shall be made in the largest daily local newspaper.

(f) Legal Action. Any discharge in violation of the substantive provisions of this chapter or an order of the Director shall be considered a public nuisance. If any person discharges sewage, industrial wastes or other wastes into the XWWTP contrary to the substantive provisions of this chapter or any order of the Director, the Director may commence an action for appropriate legal and/or equitable relief in the Common Pleas Court of Greene County.

(g) Injunctive Relief. Whenever an industrial user has violated or continues to violate this chapter or of its wastewater discharge permit, or any order of the Director or a court of competent jurisdiction, the Director may petition the court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) to restrain or compel of the industrial user.

(h) Appeals. Any person adversely affected by a decision or order of the Director under this Chapter may appeal such decision or order to the Greene County Court of Common Pleas under ORC Chapter 2506.

(Ord. 2020-20. Passed **//20)**

1048.11 PENALTY PROVISIONS.

(a) Civil Penalties. Any user who is found to have violated any provision of this chapter or of its wastewater discharge permit, or any order of the Director or a court of competent jurisdiction, shall be subject to the imposition of a civil penalty of up to one thousand dollars (\$1,000) per violation. Each day on which a violation occurs or continues shall be deemed a separate and distinct violation. In addition to the penalties provided herein, the City may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation from the user.

(b) Criminal Penalties. Any user who intentionally or willfully violates any provisions of this chapter or of its wastewater discharge permit, or any order of the Director or court of competent jurisdiction, or any user who allows a violation to continue after becoming aware of the violation shall be punishable, upon conviction, by a criminal penalty of up to one thousand dollars (\$1,000) per day, per violation, and not more than six (6) months in jail.

(c) Falsifying Information. Any user or duly-authorized representative of the user who knowingly makes any false statement, representation or certification on or of any application, record, report, plan or document filed or required to be maintained pursuant to this chapter; the industrial user's wastewater discharge permit; or any order of the Director or a court of competent jurisdiction, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method, shall be punishable, upon conviction by a criminal penalty of up to one thousand dollars (\$1,000) per day, per violation, and not more than six (6) months in jail.

(d) Administrative Penalties.

- (1) Notwithstanding any other section of this Chapter, any user who is found to have violated any provision of this Chapter, or any permits and/or orders issued hereunder, shall be fined an amount up to one thousand dollars (\$1,000) per violation. Each day on which a violation or non-compliance occurs shall be deemed a separate and distinct offense.**
- (2) In determining the amount of an administrative fine, the Director shall consider the magnitude and severity of the violation, the history of past violations, the economic advantage gained by the violator for causing or allowing the violation to occur and affirmative actions taken by the violator to comply with the provisions of this chapter.**
- (3) Such fines may be added to the industrial user's sewer service bill. The City shall have the same collection remedies that are available to collect other charges.**
- (4) Any person assessed an administrative fine may appeal the action by filing a written notice of appeal with the City Council within ten (10) days of being notified of the fine. The notice of appeal shall include the name, address and telephone number of the appellant, the date and any other pertinent documentation describing the basis for the appeal. The notice of appeal shall be filed with the Director by certified mail. The City Council shall consider the appeal and convene a hearing on the matter within thirty (30) days of receiving the notice of appeal. Any person who fails to file a notice of appeal within ten (10) days of receipt of the notice of the administrative fine shall be deemed to have agreed to the action taken.**

(Ord. 2020-20. Passed **//20)**

1048.12 SAVINGS CLAUSE.

If any provision, paragraph, word, section or article of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall continue in full force and effect.

(Ord. 2020-20. Passed **//20)**

~~CHAPTER 1048 INDUSTRIAL PRETREATMENT STANDARDS.~~

~~1048.01 OBJECTIVES; APPLICATION OF CHAPTER.~~

~~(a) (1) This chapter sets forth uniform requirements for discharges into the Xenia wastewater collection and treatment systems and enables the City to protect health in conformity with all applicable local, state and federal laws relating thereto.~~

~~(2) The objectives of this chapter include, but are not limited to:~~

- ~~A. To prevent the introduction of pollutants into the City wastewater system which will interfere with the normal operation of the system or contaminate the resulting municipal sludge;~~
- ~~B. To prevent the introduction of pollutants into the City wastewater system which have the potential to reduce treatment in the publicly owned treatment works (POTW), which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system;~~
- ~~C. To improve the opportunity to recycle and reclaim wastewater and sludge from the system;~~
- ~~D. To protect both POTW personnel, who may be affected by wastewater and sludge in the course of their employment, and the general public;~~
- ~~E. To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the POTW;~~
- ~~F. To enable the City of Xenia to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, sludge use and disposal requirements and any other federal or state laws to which the POTW is subject; and~~
- ~~G. To keep industry in compliance with federal and state law, avoid costly fines and penalties and protect the environment.~~

~~(b) This chapter shall apply to all industrial users of the City of Xenia POTW. This chapter authorizes the issuance of industrial wastewater discharge permits; provides for monitoring, compliance and enforcement activities; establishes administrative review and reporting procedures; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.~~

~~(c) All sewer ordinances existing on the effective date of this chapter shall remain in effect, unless provisions of those ordinances are altered or addressed herein.
(Ord. 95-68, passed 11-9-1995)~~

~~1048.02 DEFINITIONS.~~

~~The following words and/or phrases used in this section are defined in Chapter 1038, § 1038.01.~~

~~ACT~~

~~APPLICABLE PRETREATMENT STANDARD~~

~~APPROVAL AUTHORITY~~

~~AUTHORIZED OR DULY AUTHORIZED REPRESENTATIVE OF THE USER~~

~~AVERAGE MONTHLY DISCHARGE LIMITATION~~

~~AVERAGE WEEKLY DISCHARGE LIMITATION~~

~~BENEFICIAL USES~~

~~BEST MANAGEMENT PRACTICES (BMP)~~

~~BYPASS~~

~~CATEGORICAL PRETREATMENT STANDARDS~~

~~CITY~~

~~COUNCIL~~

~~COMPOSITE SAMPLE~~

~~DAILY DISCHARGE~~

~~DISCHARGER OR INDUSTRIAL DISCHARGER~~
~~EASEMENT~~
~~EFFLUENT~~
~~GARBAGE~~
~~GRAB SAMPLE~~
~~GROUND (SHREDDED) GARBAGE~~
~~INDIRECT DISCHARGE~~
~~INDUSTRIAL USER~~
~~INDUSTRIAL WASTE~~
~~INDUSTRIAL WASTE PERMIT~~
~~INFLUENT~~
~~INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT~~
~~INTERFERENCE~~
~~MAXIMUM DAILY DISCHARGE LIMITATIONS~~
~~MAY~~
~~MEDICAL WASTE~~
~~NEW SOURCE~~
~~NON-SIGNIFICANT INDUSTRY~~
~~NPDES PERMIT~~
~~O AND M~~
~~ORDERS~~
~~OTHER WASTES~~
~~PASS THROUGH~~
~~PERSON~~
~~POLLUTANT~~
~~POLLUTANT PARAMETERS:~~
~~BIOLOGICAL OXYGEN DEMAND (BOD) OF SEWAGE, SEWAGE EFFLUENT, POLLUTED WATERS OR INDUSTRIAL WASTES~~
~~CHEMICAL OXYGEN DEMAND (COD) OF SEWAGE, SEWAGE EFFLUENT, POLLUTED WATERS OR INDUSTRIAL WASTES~~
~~FECAL COLIFORM~~
~~FLOATABLE OIL~~
~~GREASE AND OIL~~
~~GREASE AND OIL OF ANIMAL AND VEGETABLE ORIGIN~~
~~GREASE AND OIL OF MINERAL ORIGIN~~
~~pH~~
~~SUSPENDED SOLIDS~~
~~TOTAL SOLIDS~~
~~VOLATILE ORGANIC MATTER~~
~~POLLUTION~~
~~POTW~~
~~PRETREATMENT~~
~~PRETREATMENT REQUIREMENTS~~
~~PRETREATMENT REVIEW COMMITTEE (PRC)~~
~~PUBLIC SERVICE DIRECTOR~~
~~RECEIVING STREAM~~
~~SEVERE PROPERTY DAMAGE~~
~~SEWAGE~~
~~SEWER~~
~~SHALL~~
~~SIGNIFICANT INDUSTRIAL USER~~
~~SLUDGE~~

~~—SLUGLOAD~~
~~—STANDARD INDUSTRIAL CLASSIFICATION (SIC)~~
~~—STANDARD METHODS~~
~~—TOXIC AMOUNT~~
~~—TOXIC POLLUTANT~~
~~—UNPOLLUTED WATER~~
~~—UPSET~~
~~—U.S. ENVIRONMENTAL PROTECTION AGENCY or STATE EPA~~
~~—USER~~
~~—WASTEWATER~~
~~—WASTEWATER CONSTITUENTS AND CHARACTERISTICS~~
~~—WATERCOURSE~~
(Ord. 95-68, passed 11-9-1995; Am. Ord. 10-42, passed 9-10-2010)

~~1048.03 DISCHARGE REGULATIONS.~~

~~—(a) General discharge prohibitions. No discharger shall contribute or cause to be discharged, directly or indirectly, any of the following described substances into the POTW or otherwise to the facilities of the City:~~

- ~~(1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140°F, or 60°C, using the test method specified in 40 C.F.R. 261.21 or its successor.~~
- ~~(2) Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the POTW.~~
- ~~(3) Any wastewater having a pH less than 6.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the system.~~
- ~~(4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or exceed the limitation set forth in the National Categorical Pretreatment Standards, as established by the U.S. EPA, 40 C.F.R.~~
- ~~(5) Any noxious or malodorous liquids, or pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that, in the opinion of the Director, may cause acute worker health and safety problems or are sufficient to prevent entry into the sewers for their maintenance and repair.~~
- ~~(6) Any substance which may cause the POTW's effluent or treatment residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under § 405 of the Act or any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, being 42 U.S.C. §§ 6901 et seq., the Clean Air Act, the Toxic Substances Control Act, the Resource Conservation and Recovery Act or State standards applicable to the sludge management method being used.~~
- ~~(7) Any substance which will cause the POTW to violate its NPDES and/or other disposal system permits.~~
- ~~(8) Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.~~
- ~~(9) Any wastewater having a temperature which will inhibit biological activity in the POTW resulting in interference. However, in no case shall wastewater with a temperature at the introduction into the wastewater treatment plant which exceeds 40°C (104°F) be discharged into the POTW.~~

- ~~(10) Any slugload, which means any pollutant, including oxygen demanding pollutants (BOD, and the like), released in a single extraordinary discharge episode of such volume or strength as to cause interference to the POTW.~~
- ~~(11) Any unpolluted water, including, but not limited to, noncontact cooling water, except such water may be discharged into a sewer which is designated to carry stormwater.~~
- ~~(12) Any wastewater containing any radioactive wastes or isotopes of such half life or concentrations as to exceed limits in compliance with applicable state or federal regulations.~~

~~(b) Duties of Director re prohibited discharges. When the Director determines that a discharger is contributing any of the above enumerated substances in such amounts as to interfere with the operations of the POTW, the Director shall:~~

- ~~(1) Advise the discharger of the impact of the contribution on the POTW; and~~
- ~~(2) Develop effluent limits for such discharger to correct the interference with the POTW.~~

~~(c) Limitations on wastewater strength.~~

- ~~(1) National Categorical Pretreatment Standards. National Categorical Pretreatment Standards, as promulgated by the U.S. Environmental Protection Agency (U.S. EPA) pursuant to the Act, shall be met by all dischargers of the regulated industrial categories. An application for modification of the National Categorical Pretreatment Standards may be considered for submittal to the approval authority by the Director, when the City's wastewater treatment systems achieve consistent removal of the pollutants, as defined by 40 C.F.R. 403.7 or its successor.~~
- ~~(2) Right of revision. The City reserves the right to amend this chapter to provide limitations or requirements on discharges to the POTW, where deemed necessary, to comply with the objectives set forth in § 1048.01.~~
- ~~(3) Dilution. No discharger shall increase the use of potable or process water in any way, nor mix separate waste streams, for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this chapter. The Director may impose mass limitations on dischargers which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate.~~

~~(d) Accidental discharges.~~

- ~~(1) Each discharger shall provide protection (i.e. curbing, retention wall) from the accidental discharge of prohibited or regulated materials or substances established by this chapter. Where necessary, facilities to prevent the accidental discharge of prohibited materials shall be provided and maintained at the discharger's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Director for review and shall be approved by the Director prior to construction of the facility. Each existing discharger shall complete its detailed plan, complete forms provided by the City and submit the same to the Director within 30 days. No discharger who discharges to the POTW after the aforesaid date shall be permitted to introduce pollutants into the system until accidental discharge protection procedures have been approved by the Director. Review and approval of such plans and operating procedures by the Director shall not relieve the discharger from the responsibility to modify its facilities as necessary to meet the requirements of this chapter.~~
- ~~(2) Dischargers shall verbally notify the Director immediately upon the occurrence of a slugload or accidental discharge of substances prohibited by this chapter, with a written notification letter to follow within two working days. Both notifications shall include the location of the discharge, the date and time thereof, the type of waste, the concentration and~~

~~volume and corrective actions. Any discharger who discharges a slugload of prohibited materials shall be liable for any expense, loss or damage to the POTW, in addition to the amount of any fines imposed on the authority on account thereof under state or federal law.~~

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

~~(e) Bypass not violating applicable pretreatment standards or requirements. A discharger may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of subsections (f) and (g) hereof. Notification must be made to the City within one day or less of the bypass.~~

~~(f) Prohibition of bypass.~~

- ~~(1) Bypass is prohibited, and the Director may take enforcement action against a discharger for a bypass, unless:~~
- ~~A. the bypass was unavoidable to prevent loss of life, personal injury or severe property damage;~~
 - ~~B. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, the retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and~~
 - ~~C. The discharger submitted notices as required under subsection (g) hereof.~~
- ~~(2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in subsection (f)(1) hereof.~~

~~(g) Notice.~~

- ~~(1) If a discharger knows in advance of the need for a bypass, it shall submit prior notice to the Director, if possible, at least ten days before the date of the bypass.~~
- ~~(2) A discharger shall provide oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the Director within 24 hours from the time the discharger becomes aware of the bypass. A written submission shall also be provided within five days of the time the discharger becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent a recurrence of the bypass. The Director may waive the written submission on a case by case basis if the oral report has been received within 24 hours.~~

~~(h) Hauled wastewater. Recreational vehicles may discharge at either POTW, with the permission of the Director or authorized plant personnel.~~

~~(Ord. 95-68, passed 11-9-1995)~~

~~1048.04 CHARGES AND FEES.~~

~~(a) Purpose. It is the purpose of this section to provide for the payment of fees from dischargers to the City's POTW to compensate the City for the cost of the pretreatment program established in this chapter.~~

- ~~(b) *Charges and fees.* The City may adopt charges and fees which may include:~~
- ~~(1) Fees for monitoring, inspections and surveillance procedures;~~
 - ~~(2) Fees for filing appeals;~~
 - ~~(3) Fees for reviewing accidental discharge procedures and construction;~~
 - ~~(4) Fees for permit applications;~~
 - ~~(5) Fees for sampling and laboratory analysis; and~~
 - ~~(6) Fees for administration of the pretreatment program.~~

~~(Ord. 95-68, passed 11-9-1995)~~

~~1048.05 STANDARDS FOR DISCHARGE.~~

~~(a) *Wastewater discharges.* No person shall discharge sewage, industrial wastes or other wastes to any sewer within the jurisdiction of the City and/or to the POTW without having first complied with the terms of this chapter or other ordinances of the City and of the orders issued by the Director.~~

~~(b) *Wastewater discharge data disclosure and permits.*~~

~~(1) *General disclosure and permits.*~~

~~A. All industrial dischargers proposing to connect to, or to discharge sewage, industrial wastes and other wastes to the POTW shall comply with all terms of this chapter within 90 days after the effective date of this chapter, unless an extension is granted by the Director.~~

~~B. All industrial dischargers proposing to contribute cyanide to the POTW shall obtain a wastewater discharge permit before contributing cyanide to the POTW. All existing industrial dischargers contributing cyanide to the POTW shall obtain a wastewater discharge permit within a period established by the POTW, but not to exceed 180 days after the effective date of this chapter.~~

~~(2) *Baseline reports.* All permitted industrial dischargers shall complete and file with the Director a baseline report in the form prescribed by the Director. Existing industrial dischargers shall file baseline reports within 90 days after the effective date of this chapter, and proposed new dischargers shall file baseline reports at least 90 days prior to connecting to the POTW. New sources shall also be required to include in this report information on the method of pretreatment the discharger intends to use to meet applicable pretreatment standards. This can be altered or extended by the Director to keep the costs down for the discharger. The report to be made by the discharger shall be made on written forms provided by the Director and shall cover at a minimum:~~

~~A. Disclosure of the name, address and location of the discharger;~~

~~B. Disclosure of Standard Industrial Classification (SIC) number according to the *Standard Industrial Classification Manual*, Bureau of the Budget, 1972, as amended;~~

~~C. Disclosure of wastewater constituents and characteristics, including, but not limited to, those mentioned in this chapter, as established by the U.S. EPA, 40 C.F.R., as appropriate, as determined by bona fide chemical and biological analyses. Sampling and analysis shall be performed in accordance with procedures established by the U.S. EPA and contained in 40 C.F.R., 136, as amended;~~

~~D. Disclosure of the time and duration of discharges;~~

~~E. Disclosure of average daily and instantaneous peak wastewater flow rates, in gallons per day, including daily, monthly and seasonal variations, if any. All flows shall be measured, unless other verifiable techniques are approved by the Director due to cost or nonfeasibility;~~

~~F. Disclosure of site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances, by size, location and elevation;~~

- ~~G. A description of activities, facilities and plant processes on the premises, including all materials which are or may be discharged to the sewers or works of the City;~~
- ~~H. Disclosure of the nature and concentration of any pollutants or materials prohibited by this chapter in the discharge, together with a statement regarding whether or not compliance is being achieved with this chapter on a consistent basis and, if not, whether additional operation and maintenance activities and/or additional pretreatment is required for the discharger to comply with this chapter.~~
- ~~I. Where additional pretreatment and/or operation and maintenance activities will be required to comply with this chapter, a declaration of the shortest schedule by which the discharger will provide such additional pretreatment and/or implementation of additional operation and maintenance activities:
 - ~~1. The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of the additional pretreatment activities required for the discharger to comply with the requirements of this chapter, including, but not limited to, dates relating to hiring an engineer, hiring other appropriate personnel, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction and completing construction and all other acts necessary to achieve compliance with this chapter.~~
 - ~~2. Under no circumstances shall the Director permit a time increment for any single step directed toward compliance which exceeds nine months.~~
 - ~~3. Not later than 14 days following each milestone date in the schedule and the final date for compliance, the discharger shall submit a progress report to the Director, including no less than a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the discharger to return the construction to the approved schedule. In no event shall more than nine months elapse between such progress reports to the Director.~~~~
- ~~J. Disclosure of each product produced by type, amount, process or processes and rate of production;~~
- ~~K. Disclosure of the type and amount of raw materials utilized (average and maximum per day);~~
- ~~L. Any discharges of petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin, if discharged in amounts that can pass through or cause interference. This also includes the same restrictions to all biodegradable oils and grease of vegetable oil origin that also can pass through and cause interference;~~
- ~~M. All baseline reports shall be signed by the authorized representative of the discharger and certified to by a qualified professional engineer. All permitted industries shall have an inspection and sampling manhole or structure (with an opening of no less than 24 inches diameter and an internal diameter of no less than 48 inches) containing flow measuring, recording and sampling equipment as required by the City to assure compliance with this chapter;~~
- ~~N. The Director shall evaluate the complete baseline report and data furnished by the discharger and may require additional information. Within 30 days after full evaluation and acceptance of the data furnished, the Director shall notify the discharger of the City's acceptance thereof. The Director may issue orders to any discharger to require compliance with any requirements under this chapter, including applicable categorical pretreatment standards, other discharger limits and reporting requirements; and~~

- ~~O. No person shall access the sewer system or POTW for any activity, including the discharge of hauled septic or industrial wastes. Any removal of manhole lids, or any other access to the sewer system for the purpose of discharging wastes, without the express permission of the Director, shall be considered a violation of this chapter and shall be subject to enforcement action, including fines and penalties allowed under this chapter.~~
- ~~(3) *Permit application.* Industrial dischargers required to obtain a wastewater discharge permit shall complete and file with the City an application in the form prescribed by the City, as recommended by the Director or his or her designee. Existing major significant industries and minor significant industries shall apply for a wastewater discharge permit within a period established by the POTW, but not to exceed 180 days after the effective date of this chapter. Proposed new industrial dischargers shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the industrial discharger shall submit, in units and terms appropriate for evaluation, the information listed in subsection (b)(2) hereof. The Director shall evaluate the data furnished by the discharger and may require additional information. After evaluation and acceptance of the data furnished, the Director may issue a wastewater discharge permit, subject to terms and conditions provided herein. The Director reserves the right to request additional information where reasonable. The Director reserves the right to deny or condition new or increased contributions of pollutants for all dischargers at any time.~~
- ~~(4) *Standards modification.* The Council reserves the right to amend this chapter and the terms and conditions thereof in order to assure compliance by the City with applicable laws and regulations. Within six months of the promulgation of a National Categorical Pretreatment Standard, this chapter and/or the wastewater discharge permit subject to such standards shall be amended to require compliance by dischargers with such standards within the time frame prescribed by such standards. All National Categorical Pretreatment Standards adopted after the promulgation of this chapter shall be adopted by the City as part of this chapter. Where a discharger subject to a National Categorical Pretreatment Standard has not previously submitted a baseline report, as required by subsection (b)(2) hereof, and/or an application, as required by subsection (b)(3) hereof, the discharger shall file a baseline report and/or apply for a wastewater discharge permit with the Director within 180 days after the promulgation of the applicable National Categorical Pretreatment Standards by the U.S. EPA. In addition, any discharger operating on the basis of a previous filing of a baseline report and/or wastewater discharge permit shall submit to the City, within 180 days after the promulgation of an applicable National Categorical Pretreatment Standard, the additional information required by subsections (b)(2)H. and I. hereof. The discharger shall be informed of any proposed changes in this chapter at least 30 days prior to the effective date of change. Any changes or new conditions in this chapter shall include a reasonable time schedule for compliance.~~
- ~~(5) *Permit conditions.* Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the City. Permits shall contain the following:~~
- ~~A. Limits on the average and maximum wastewater constituents and characteristics;~~
 - ~~B. Limits on the average and maximum rate and the time of discharge, or requirements for flow regulations and equalization;~~
 - ~~C. Requirements for the installation and maintenance of inspection and sampling facilities;~~
 - ~~D. Specifications for monitoring programs, which may include sampling locations, the frequency of sampling, the number, types and standards for tests and the reporting schedule;~~
 - ~~E. A compliance schedule;~~

- ~~F. Requirements for submission of technical reports or discharge reports, as outlined in subsection (e) hereof;~~
 - ~~G. Requirements for maintaining and retaining pretreatment facility records relating to wastewater discharge, as specified by the City, and affording the City access thereto;~~
 - ~~H. Requirements for notification of the City of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;~~
 - ~~I. Requirements for notification of slug discharges pursuant to § 1048.03; and~~
 - ~~J. Effluent limits, including Best Management Practices, based on applicable pretreatment standards;~~
 - ~~K. Requirements to control slug discharge, if determined by the Director to be necessary, and~~
 - ~~L. Other conditions as deemed appropriate by the City to ensure compliance with this chapter.~~
- ~~(6) *Permit duration.* Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period of less than one year or may be stated to expire on a specific date. The industrial discharger shall apply for permit reissuance a minimum of 180 days prior to the expiration of the industrial discharger's existing permit. The terms and conditions of the permit, including the limitations and/or requirements identified in § 1048.03, may be modified if a just cause exists. The industrial discharger shall be informed of any proposed changes in its permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.~~
- ~~(7) *Permit transfer.*~~
- ~~A. Wastewater discharge permits are issued to a specific industrial discharger for a specific operation.~~
 - ~~B. A wastewater discharge permit shall not be reassigned, transferred or sold to a new owner, a new industrial discharger, a different premises or a new or changed operation without the approval of the City.~~
 - ~~C. Any succeeding owner or industrial discharger shall also comply with the terms and conditions of the existing permit.~~
- ~~(e) *Compliance reports.*~~
- ~~(1) *Compliance date report.*~~
- ~~A. Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any discharger subject to pretreatment standards and requirements shall submit to the Director a report containing information as indicated in subsection (b)(5)D. through F. hereof. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the discharger into compliance with the applicable pretreatment standards or requirements. New sources shall install and have in operating condition, and shall start up, all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), new sources must meet all applicable pretreatment standards.~~
 - ~~B. For dischargers subject to equivalent mass or concentration limits established by the Director in accordance with the procedures in 40 C.F.R. 403.6(e), this report shall contain a reasonable measure of the discharger's long term production rate. For all other dischargers subject to categorical pretreatment standards, expressed in terms of~~

~~allowable pollutant discharge per unit of production (or other measure of operation); this report shall include the discharger's actual production during the appropriate sampling period. This period shall be signed by an authorized representative of the discharger.~~

~~(2) Periodic compliance reports.~~

- ~~A. Any discharger subject to a pretreatment standard set forth in this chapter, after the compliance date of such pretreatment standard, or, in the case of a new discharger, after commencement of the discharge to the City, shall submit to the Director during the months of June and December, unless required more frequently by the Director, a report indicating the nature and concentration of prohibited or regulated substances in the effluent which are limited by the pretreatment standards hereof. In addition, this report shall include a record of all measured or estimated average and maximum daily flows during the reporting period. Flows shall be reported on the basis of actual measurement, provided, however, that where cost or feasibility considerations justify, the Director may accept reports of average and maximum flows estimated by verifiable techniques. The City, for good cause shown, considering such factors as local high or low flow rates, holidays, budget cycles or other extenuating factors, may authorize the submission of such reports on months other than those specified above. Reports from dischargers must be signed by an authorized representative of the discharger. All sampling results obtained by the discharger shall be reported to the Director, including any sampling performed more frequently than required. Dischargers shall notify the Director, in writing, within 24 hours if any sampling results violate applicable pretreatment limits. The discharger shall repeat the sampling and analysis for those parameters in violation and shall resubmit the results within 30 days of becoming aware of the violation.~~
- ~~B. Reports of dischargers shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentration, or the production and mass, where required by the City. The frequency of monitoring by the discharger shall be as prescribed in the applicable pretreatment standard of this chapter. All analyses shall be performed in accordance with 40 C.F.R. 136 and amendments thereto. Where 40 C.F.R., Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the U.S. EPA publication, *Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants*, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator of the U.S. EPA. The user must collect wastewater samples using 24 hour flow proportional composite sampling techniques, unless time proportional composite sampling or grab sampling is authorized by the Director where time proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 C.F.R. Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24 hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques. For sampling required in support of baseline monitoring and~~

~~90-day compliance reports required, a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Director may authorize a lower minimum.~~

~~C. Except as specified otherwise, all users must, at a frequency determined by Director submit no less than twice per year (June and December) reports indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the Director or the pretreatment standard necessary to determine the compliance status of the user.~~

~~(3) Reporting requirements for dischargers not subject to categorical pretreatment standards. The Director shall require appropriate reporting from those dischargers with discharges that are not subject to categorical pretreatment standards.~~

~~(4) Recordkeeping. Users subject to the reporting requirements of this section shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this section, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with Best Management Practices established. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the City, or where the user has been specifically notified of a longer retention period by the Director.~~

~~(d) Monitoring facilities (sampling manhole).~~

~~(1) Each discharger shall provide and operate, at the discharger's own expense, a sampling manhole to allow inspection, sampling and flow measurement of each sewer discharge to the City. Each sampling manhole shall be situated on the discharger's premises, except that where such a location would be impractical or cause undue hardship on the discharger, the City may permit the sampling manhole to be constructed in the public street or sidewalk area, provided that the location will not be obstructed by landscaping or parked vehicles.~~

~~(2) There should be ample room in or near such sampling manhole to allow accurate sampling and preparation of samples for analysis. The sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition, at the expense of the discharger.~~

~~(3) All sampling manholes shall be constructed and maintained in accordance with all applicable local construction standards and specifications. Construction shall be completed within 120 days of receipt of a permit therefor by the discharger or a time frame agreed to by the Director for extension.~~

~~(4) A sampling weir box would be an acceptable alternative to a sampling manhole, as long as access to this weir box can be made at any time by the City.~~

~~(e) Inspection and sampling.~~

~~(1) The City may inspect the monitoring facilities of any discharger to determine compliance with the requirements of this chapter. The discharger shall allow the Director or his or her representatives to enter upon the premises of the discharger at all reasonable hours, for the purposes of inspection, sampling, examining and/or copying records. The City shall have~~

~~the right to set up on the discharger's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.~~

- ~~(2) Where a discharger has security measures in force which would require proper identification and clearance before entry into its premises, the discharger shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the City will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.~~

~~(f) *Pretreatment.*~~

- ~~(1) Industrial dischargers shall provide necessary wastewater treatment, as required to comply with this chapter, and shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations specified by the National Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated and maintained at the discharger's expense.~~
- ~~(2) Detailed plans showing the industrial discharger's pretreatment facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before construction of the facility. Plans shall be designed by a qualified professional engineer (P.E.). The review of such plans and operating procedures shall in no way relieve the discharger from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the City prior to the discharger's initiation of the changes.~~

~~(g) *Confidential information.*~~

- ~~(1) Information and dates furnished to the City, with respect to the nature and frequency of discharges, shall be available to the public or any governmental agency without restriction, unless the discharger specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the discharger.~~
- ~~(2) When requested by a discharger furnishing a report, the portions of a report which may disclose trade secrets shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this chapter, the NPDES permit, the state disposal system permit and/or the pretreatment programs, provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the discharger furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.~~
- ~~(3) Information accepted by the City as confidential shall not be transmitted to any governmental agency or to the general public by the City until and unless a ten day notification is given to the discharger.~~

~~(h) *Reporting requirements for City.* The City will forward pertinent information regarding changes in the National Pretreatment Categorical Standards to industries affected if the information received by the City from the EPA does not indicate that industry has already been informed by the EPA.~~

~~(i) *Notification of changed discharge.* All dischargers shall promptly notify the Director in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 C.F.R. 403.12(p) or its successor.~~

~~(j) *Accidental discharge/slug discharge control plans.* The Director shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges. [The Superintendent] may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, [the Superintendent] may develop such a plan for any user. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:~~

- ~~(1) Description of discharge practices, including non routine batch discharges;~~
- ~~(2) Description of stored chemicals;~~
- ~~(3) Procedures for immediately notifying the Director of any accidental or slug discharge, as required by of this section; and~~
- ~~(4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.~~

~~(Ord. 95-68, passed 11-9-1995; Am. Ord. 10-42, passed 9-10-2010)~~

~~1048.06 PRETREATMENT REVIEW COMMITTEE.~~

~~(a) *Establishment; membership; legal counsel; support.* There is hereby established an administrative committee, to be known as the Pretreatment Review Committee (PRC), to administer the application of this chapter and to take enforcement action as set forth in this chapter. The Pretreatment Review Committee will consist of the City Manager or his or her designee, a member of Council, as appointed by Council President, the Xenia Economic Growth Corporation Executive Director, the Public Service Director and the Fire Chief. The Pretreatment Review Committee is an independent committee dealing strictly with industrial pretreatment issues.~~

- ~~(1) The Law Director will serve as legal counsel to the Pretreatment Review Committee and shall have no other function with the Pretreatment Review Committee.~~
- ~~(2) The Wastewater Treatment Supervisor shall provide technical support to the PRC and shall assist with the presentation of the violation to the Pretreatment Review Committee for the City.~~
- ~~(3) The Wastewater Treatment Supervisor or his designee shall be responsible for sampling, inspection and technical support and shall provide data that leads to violation(s) to be presented to the Pretreatment Review Committee. The Wastewater Treatment Supervisor will present the violation to the PRC for the City.~~

~~(b) *Emergency suspension or halting of service or discharge permits.* The Director may, for good cause shown, suspend or immediately halt wastewater treatment service and/or a wastewater discharge permit to a discharger when it appears to the Director that an actual or threatened discharge presents or threatens an imminent or substantial danger to the health or welfare of persons, substantial danger to the environment, interference with the operation of the POTW, or a violation of any pretreatment limits imposed by this chapter. Any discharger notified of the suspension or the halt of the City's wastewater treatment service shall, within a reasonable period of time, as determined by the Director, cease all discharges. In the event of a failure of the discharger to comply voluntarily with the suspension order or the halt order within the specified time, the Director shall commence judicial proceedings immediately thereafter to compel the discharger's compliance with such order. The Director shall reinstate wastewater treatment service and/or a wastewater discharge permit and terminate any judicial proceedings upon proof by the discharger of the elimination of the noncompliant discharge or conditions creating the threat of imminent or substantial danger, as set forth above.~~

~~(c) Termination of services or revocation of discharge permits. The Director may terminate wastewater treatment services or revoke wastewater discharge permits for any discharger:~~

- ~~(1) Who fails to factually report the wastewater constituents and characteristics of its discharge;~~
- ~~(2) Who fails to report significant changes in wastewater constituents or characteristics;~~
- ~~(3) Who fails to permit reasonable access to the discharger's premises by representatives of the City for the purpose of inspection or monitoring; or~~
- ~~(4) Who violates the provisions of this chapter, including any repeated or continued noncompliance or any final judicial order entered with respect thereto.~~

~~(d) Notification of violation; administrative adjustment. Whenever the Director finds that any discharger has engaged in conduct which justifies termination of wastewater treatment service, pursuant to subsection (c) hereof, the Director shall serve or cause to be served upon such discharger a written notice to the signature official or any agent of the corporation, either personally or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. If the certified mail envelope is returned with an endorsement showing that the envelope was refused or unclaimed, or if, after making a reasonable effort, the City is unable to personally serve the discharger, then the City shall send by ordinary mail written notice stating the nature of the alleged violation upon such discharger, the signature official or any agent of the corporation. Service by regular mail shall be deemed complete when the fact of mailing is noted in the discharger's file. Within 30 days of the date of receipt of the notice, the discharger shall respond, personally or in writing, to the Director, advising of its position with respect to the allegations. Thereafter, the parties shall meet to ascertain the veraCity of the allegations and, where necessary, establish a plan for the satisfactory correction thereof.~~

~~(e) Show cause hearings.~~

- ~~(1) The Director may order any industrial discharger who causes or allows an unauthorized discharge to enter the POTW to show cause before the Pretreatment Review Committee why the proposed enforcement action should not be taken. A notice shall be served on the industrial discharger specifying the time and place of a hearing to be held by the Pretreatment Review Committee regarding the violation, the reasons why the action is to be taken and the proposed enforcement action, and directing the industrial discharger to show cause before the Pretreatment Review Committee why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested. If the certified mail envelope is returned with an endorsement showing that the envelope was refused or unclaimed, or if, after making a reasonable effort, the City is unable to personally serve the discharger, then the City shall send, by ordinary mail, written notice stating the nature of the alleged violation upon such discharger, the signature official or any agent of the corporation. Service by regular mail shall be deemed complete when the fact of mailing is noted in the discharger's file. Service may be made on any agent or officer of a corporation.~~
- ~~(2) The Pretreatment Review Committee will conduct the hearing and shall:
 - ~~A. Issue, in the name of the Committee, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;~~
 - ~~B. Take the evidence; and~~
 - ~~C. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations, to Council for action thereon.~~~~
- ~~(3) At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded by tape recorder. The transcript, so recorded, shall be made available to any member of the public or any party to the hearing upon payment of the usual charges for copying by the City Clerk.~~

~~(4) After the Pretreatment Review Committee has reviewed the evidence, it may issue an order to the industrial discharger responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.~~

~~(f) *Judicial proceedings.* Following the entry of any order by the City, with respect to the conduct of a discharger contrary to the provisions of this chapter, the Law Director may, following the authorization of such action by the City, commence an action for appropriate legal and/or equitable relief in the appropriate local court.~~

~~(g) *Annual publication of list of noncompliant industrial users.* The Director shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by [the POTW], a list of the users which, at any time during the previous 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:~~

- ~~(1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all the measurements taken for the same pollutant parameter taken during a six month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits;~~
- ~~(2) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of wastewater measurements taken for each pollutant parameter during a six month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);~~
- ~~(3) Any other violation of a pretreatment standard or requirement as defined by subsection (g)(2) (Daily maximum, long term average, instantaneous limit, or narrative standard) that the Director determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;~~
- ~~(4) Any discharge of a pollutant that has caused imminent endangerment to human health or welfare or to the environment, or has resulted in the POTW's exercise of emergency authority to halt or prevent such a discharge;~~
- ~~(5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction or attaining final compliance;~~
- ~~(6) Failure to provide within 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;~~
- ~~(7) Failure to accurately report noncompliance; and~~
- ~~(8) Any other violation or group of violations which the Director determines will affect or has adversely affected the operation or implementation of the City's pretreatment program.~~

~~(h) *Right of appeal.* Any industrial discharger shall have the right to appeal to Council any ruling by the Director on any matter covered by this chapter. A written response to an appeal will be issued as timely as possible. In the event that an inquiry by an industrial discharger deals with matters of performance or compliance with this chapter for which enforcement activity relating to an alleged violation is the subject, receipt of an industrial discharger's appeal shall stay all enforcement proceedings~~

~~pending receipt of the aforesaid written reply. Appeal of any final administrative order entered pursuant to this chapter may be taken in accordance with local and state law.~~

~~(i) *Operating upsets.*~~

~~(1) Any discharger who experiences an upset in operations which places the discharger in a temporary state of noncompliance with this chapter shall inform the Director thereof within 24 hours of first awareness of the commencement of the upset. Where such information is given orally, a written follow up report thereof shall be filed by the discharger with the Director within five days. The report shall specify:~~

~~A. A description of the upset, the cause thereof and the upset's impact on a discharger's compliance status.~~

~~B. The duration of noncompliance, including the exact dates and times of noncompliance and, if the noncompliance continues, the time by which compliance is reasonably expected to occur.~~

~~C. All steps taken or to be taken to reduce, eliminate and prevent a recurrence of such upset or other conditions of noncompliance.~~

~~(2) A documented and verified bona fide operating upset shall be an affirmative defense to any enforcement action brought by the City against a discharger for any noncompliance with this chapter which arises out of violations alleged to have occurred during the period of the upset.~~

~~(Ord. 95-68, passed 11-9-1995)~~

~~(j) *Pretreatment Review Board to mean Pretreatment Review Committee.* All references to the Pretreatment Review Board which appear in ordinances, resolutions, motions, policies, procedures or any other document of the City of Xenia, Ohio, shall mean the Pretreatment Review Committee.~~

~~(Ord. 99-7, passed 3-11-1999; Am. Ord. 10-42, passed 9-10-2010)~~

~~1048.07 RECORDS RETENTION.~~

~~All dischargers subject to this chapter shall retain and preserve, for no less than three years, any records, books, documents, memoranda, reports and correspondence and any and all summaries thereof relating to monitoring, sampling and chemical analyses made by or on behalf of a discharger in connection with its discharge. All records which pertain to matters which are the subject of administrative adjustment or any other enforcement or litigation activities brought by the City pursuant to this chapter shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.~~

~~(Ord. 95-68, passed 11-9-1995)~~

~~1048.08 REMOVAL CREDITS; ADJUSTMENT OF CATEGORICAL PRETREATMENT STANDARDS.~~

~~(a) *Removal credits.* Where applicable, the City may elect to initiate a program of removal credits as part of this chapter to reflect the POTW's ability to remove pollutants in accordance with 40 C.F.R. 403.7 or its successor.~~

~~(b) *Adjustment of categorical pretreatment standards.* The City reserves the right to adjust categorical pretreatment standards to reflect the presence of pollutants in a discharger's intake water, in accordance with 40 C.F.R. 403.15.~~

~~1048.09 ENFORCEMENT.~~

~~(a) *Definitions.* The following words and/or phrases used in this section are defined in Chapter 1038, § [1038.01](#).~~

~~— **COMMITTEE**~~

~~— **COMMITTEE MEMBERS**~~

~~— ENFORCEMENT ACTION
— INDUSTRIAL USER (IU)
— INDUSTRIAL USER PERMIT
— NOTICE OF VIOLATION (NOV)~~

~~(b) Authority of PRC; show cause hearings.~~

- ~~(1) The PRC, established in § 1048.06, shall administer the enforcement of this chapter and hear all IU alleged violation cases for the City of Xenia referred to it by the Wastewater Treatment Supervisor, with approval of the Public Service Director. The PRC will decide the enforcement action required for all IU's who have violated their permit or this chapter.~~
- ~~A. A NOV shall be sent to an IU violator who has not complied with its permit or this chapter or who has not taken corrective action. Within 30 days of the NOV, as dated, the IU must respond, in writing, to the Public Service Director outlining any action to correct the violation. Any noncomplying IU who has violated its permit or this chapter will be notified of the alleged violation by letter by certified mail (with return receipt requested), phone call or personal visit. All violations will be kept on record by the Wastewater Treatment Supervisor for not less than seven years.~~
- ~~B. The PRC show cause hearings will be held on the third Thursday of each month at 1:30 p.m. and will only be for an IU violator who is not complying with its permit or this chapter or who is not taking corrective action, as defined by the Public Service Director. The PRC will hold show cause hearings to decide the facts of the alleged IU violation. The PRC will notify the IU violator, at least ten days before the show cause hearing, by certified mail (with return receipt requested). Should the certified mail be returned unclaimed or refused, notice may be by ordinary mail. Notice by ordinary mail shall be considered complete upon mailing. This NOV may be served on the person in responsible charge or agent or officer of a corporation. Emergency sessions may be convened at anytime by the PRC if the alleged violation is severe enough to affect the wastewater collection system, the POTW or the public health.~~
- ~~C. The PRC will issue a decision and/or order, within 15 working days, comprising the facts of violation and orders for corrective action, if any are determined to be necessary.~~
- ~~D. The PRC will convene only at the request of the IU or the Director.~~
- ~~E. The PRC and the City of Xenia POTW's National Pollutant Discharge Elimination System (NPDES) permits will regulate industrial discharge limits for IU's. If an IU has violated its discharge permit or this chapter, the PRC involvement may be required to resolve the act of violation.~~
- ~~(2) The City Council member of the PRC will provide the tie breaking vote as to the action to be applied to the IU and shall chair the PRC. The alleged violation presentation to the PRC will be by the Environmental Technical Compliance Manager and/or the EC.~~

~~(c) Additional powers of the PRC.~~

- ~~(1) The PRC will have the power and authority to:~~
- ~~A. Adopt policies and procedures that conform to § 1048.06 in regulating IU violators of the industrial pretreatment program;~~
- ~~B. Make decisions based on the facts and/or reasons presented for the violation before rendering enforcement action;~~
- ~~C. Hold show cause hearings where any IU discharger who allows or causes an unauthorized discharge to enter the collection system and/or POTW shall show cause before the PRC why the proposed enforcement action should not be taken;~~
- ~~D. Authorize the re connection of sewer service for IU violators upon the recommendation of the Public Service Director;~~

- ~~E. Terminate IU permits to discharge to the sewer system for any reason, as set forth in this chapter, 40 C.F.R. 403 or the Ohio Administrative Code (O.A.C. Chapter 3745);~~
- ~~F. Set meeting dates and sessions with staff to understand IU violator facts before any meetings or decisions are made, and hold meetings with the Law Director; and~~
- ~~G. Make sure that the IU violator has the right to appeal (to the appropriate local court) the PRC decision and describe the steps for the IU violator to follow, as set forth in this chapter.~~

~~(2) The PRC will act by motion and will keep minutes of its proceedings and decisions.~~

~~(d) Appeals. The appellant may appeal, to the appropriate local court, any decision of the PRC, by perfecting such as provided in Ohio R.C. Chapter 2506. The cost of obtaining a transcript for such appeal will be borne by the party seeking to appeal. The Law Director will represent the PRC in judicial proceedings.~~

~~(e) Effective date of decisions. The decision of the PRC will become final five days after such order, unless the PRC finds that the immediate effect of such order is necessary for the preservation of the collection system or the POTW and so certifies on the record. The PRC order will be hand delivered to the affected IU by the EC. If the IU business is closed, the order will be sent by registered mail, with return receipt requested, and a follow up by the EC shall be made.
(Ord. 96-9, passed 2-8-1996)~~

~~1048.10 RECOVERY OF COSTS.~~

~~In addition to the penalty set forth in § 1048.99, any discharger who violates any of the provisions of this chapter, or who discharges or causes a discharge that produces a deposit or obstruction, or who causes damage to or impairs the City's POTW, shall be liable to the City for any expense, loss or damage caused by such violation or discharge. The City shall bill the discharger for the costs incurred by the City for any cleaning, repair or replacement work necessitated by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of this chapter enforceable under the provisions of this chapter.~~

~~(Ord. 96-9, passed 2-8-1996)~~

~~1048.99 PENALTY.~~

~~(a) Civil penalties. Whoever, being a discharger, violates any order of the City, or fails to comply with any of the provisions of this chapter, the rules or regulations of the City or the orders of any court of competent jurisdiction, shall be liable to the City for a civil penalty of not less than one thousand dollars (\$1,000.00) nor more than ten thousand dollars (\$10,000.00), state law permitting, plus actual damages, incurred by the POTW, per violation per day for as long as the violation continues. In addition to the penalties provided herein, the City may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations and permits issued hereunder.~~

~~(b) Falsifying information. Whoever knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than six months, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.~~

~~(Ord. 95-68, passed 11-9-1995)~~