

ORDINANCE NO. 1997-17

AN ORDINANCE GOVERNING THE USE OF THE VILLAGE
SANITARY SEWERS WITHIN THE VILLAGE OF HAMERSVILLE
AND PASSED AS AN EMERGENCY MEASURE

WHEREAS, the Village of Hamersville is currently constructing a sewage system for use in the treatment of wastewater generated within the Village of Hamersville; and,

WHEREAS, the proper treatment of wastewater within the Village of Hamersville is affected by the discharge of waste into the system by various users within the Village of Hamersville, and the proper maintenance and operation of the wastewater system;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Hamersville, State of Ohio, that the following comprehensive sewer service charge system for users of the wastewater system of the Village of Hamersville, be and it is hereby enacted as follows:

Section 1. PURPOSE

To provide regulations for the operation and users of the wastewater system; and establish sewage service charge.

Section 2. DEFINITIONS

A. Unless the context specifically indicates otherwise, the meaning of the terms used in this ordinance shall be as follows:

- 1) "Village" means the Village of Hamersville, Ohio.
- 2) "Board" or "BPA" means the Board of Public Affairs.
- 3) "Engineer" means an Engineer or Consultant employed by the Village.
- 4) "Inspector" means any person or individual appointed by the Board or the Engineer to inspect the construction of sanitary sewers or building sewers, and the connection of building sewers to sanitary sewers.
- 5) "Sewage works" means all facilities for collecting, pumping, and disposing of sanitary sewage and other wastes.
- 6) "Wastewater treatment plant" means any arrangement of devices or structures used for treating sewage.
- 7) "Sanitary sewage" means a combination of water carried waste from residences, business buildings, institutions, commercial

and industrial establishments contributed by reason of human occupancy.

8) "Industrial wastes" mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

9) "Garbage" means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.

10) "Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers.

11) "Sanitary sewer" means a sewer which carries sanitary sewage and industrial wastes and to which storm, surface, and groundwaters are not intentionally admitted.

12) "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of a building and conveys the same to the building sewer beginning at a point three feet outside the face of the building.

13) "Building sewer" means the extension from the building drain to the public sewer and a connection thereto.

14) "Public sewer" means a sewer which is owned and controlled by the Village.

15) "Private sewer" means a sanitary sewer which is not owned by the Village but which is connected to the sanitary sewer system and, therefore, under the regulation control of the Village.

16) "BOD" denoting Biochemical Oxygen Demand means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees centigrade, expressed in parts per million (ppm) or milligrams per liter (mg/l) by weight.

17) "Suspended solids" means the solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering measured in ppm or mg/l.

18) "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

19) "Normal sewage" means sewage or waste which, when analyzed, shows by weight a daily average of not more than 240 mg/l

suspended solids and not more than 200 mg/l of OBD5.

20) "Cooling water" means the water discharged from any system of condensation, air condition, cooling, refrigeration, or other. It shall be free from odor and oil and shall contain no polluting substances.

21) "Combined sewer" means any conduit connected to the sewage system that carried both wastewater and rainfall run-off.

22) "Storm sewer" means any conduit not connected to the sewage system that carried rainfall run-off water.

23) "Debt service charge" means that portion of the sewer service charge set aside by the Village to repay loans or bonds issued to construct the sewer system.

24) "Operation and maintenance" means costs necessary to operate and maintain the sewage system.

25) "Replacement" means expenditures for obtaining and installing equipment, accessories, or appurtenances during the useful life of the sewage treatment works necessary to maintain the capacity and performance for which they were designed and constructed.

26) "Sewer service charge" means the monthly or quarterly bills sent to users which comprises the debt service charge and operation and maintenance and replacement charges (O&M).

27) "Billing charge" is any bill sent to a connected customer or user of the sewer system.

28) "Residential users" means a home, apartment or other domicile connected to the sanitary sewer system and where wastewater discharged has a BOD and suspended solids concentration less than 240 mg/l and a flow of 150 gallons per day or less per resident.

29) "Commercial user" means any business establishment connected to the sanitary sewer system and where the wastewater discharged has a BOD and suspended solids concentration of less than 240 mg/l.

30) "Institutional user" means any building (such as a school) used by the public which is connected to the sanitary sewer system and where the wastewater discharged has a BOD and suspended solids concentration of less than 240 mg/l.

31) "Governmental user" means any building (such as the Village office building) used by or for the public which is connected to the sanitary sewer system and where the wastewater

discharged has a BOD and suspended solids concentration of less than 240 mg/l.

32) "Major significant industrial user" means any industrial user that is subject to any Federal government categorical pretreatment standards, discharges 25,000 gallons per day or more of industrial process wastewaters, or has the reasonable potential in the opinion of the Village or the Ohio EPA to adversely affect the POTW treatment plant (i.e. inhibition of treatment processes, pass through of pollutants, sludge contamination or endangerment of POTW workers).

33) "Minor significant industrial user" means any industrial user that is a small industrial or commercial establishment not subject to Federal government categorical pretreatment standards or who discharges a non-domestic wastestream of more than 1,000 gallons per day but less than 25,000 gallons per day or whose individual discharges in the opinion of the Village or the Ohio EPA do not significantly impact the Village's treatment system, degrade water quality or contaminate sludge.

34) "POTW" means Village owned sewage works and the sewers and conveyance appurtenances discharging thereto, owned and operated by the Authority.

35) "Wastewater" means industrial waste or sewage or any other waste including that which may be combined with any ground water, surface water or storm water that may be discharged to the POTW.

36) "NPDES" means National Pollutant Discharge Elimination System permit program as administered by the U.S. or Ohio EPA.

37) "Slugload" means any discharge which exceeds for a period of duration longer than fifteen minutes, more than five times the average twenty-four hour flows during normal operation, or more than five times the twenty four hour allowable concentration of any substance or which causes interference to the POTW.

38) "Pollutant" means any substance discharged into a POTW or its collection system or any substance which upon exposure to or assimilation into any organism will cause adverse effects such as cancer, genetic mutations, or physiological manifestations as defined in standards issued pursuant to Section 397(a) of the Act.

39) "Shall" is mandatory and the word "may" is permissive.

40) "Toxic pollutants" means any substance which would cause interference with the regular routing operation of the POTW.

41) "Indirect discharge" means the discharge or the introduction of non-domestic pollutants from a source regulated under Section 307(b) or (c) of the Act, into a POTW.

42) "Interference" means the inhibition or disruption of a POTW's sewer system treatment processes or operations which may contribute to a violation of any requirement of its NPDES permit.

43) "Upset" means an exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with the standards set forth in this chapter due to factors beyond the reasonable control of the discharges, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.

44) "Sewer" means any pipe, conduit, ditch or other device used to collect and transport sewage or storm water from the generating source.

Section 3. PROHIBITED SUBSTANCES, WATERS, AND WASTES

A. No person, firm or corporation shall discharge or cause to be discharged to any public sanitary sewer any of the following described substances, materials, waters, wastes or liquids:

1) Storm water, surface water, ground water, roof run-off, subsurface drainage, cooling water, or unpolluted industrial process waters.

2) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Centigrade).

3) Any water or waste, grease or oil, or other ether soluble matter exceeding an analysis on an average basis of fifty mh/l or 100 mh/l maximum.

4) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

5) Any water or waters that contain more than ten mg/l by weight of the following gases: hydrogen sulfide, sulfur dioxide, or nitrous oxide.

6) Any garbage that has not been properly shredded.

7) Any ashes, cinders, sand mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, asphaltic materials, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, beer or distillery spent grains, chemical residues, paint residues, cannery waste bulk solids or any other solid or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.

8) Any water or wastes that contain phenols in excess of 0.50 mg/l by weight. These limits may be modified if the aggregate of contributions throughout the area of service create treatment difficulties or produce a plant effluent discharge to receiving waters which may be prohibitive.

9) Any water or wastes, acid or alkaline in reaction, and having corrosive properties capable of causing damage or hazard to structures, equipment, and personnel of the Utilities Department. Free acids or alkalis of such wastes must be neutralized before discharge, within the pH range between 5.5 and 8.5.

10) Any water or wastes containing a toxic or poison substance of high chlorine demand in sufficient quantity to injure to interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard to the receiving waters of the effluent of the wastewater treatment plant. Material such as copper, zinc, chromium, cyanide, or other similar toxic or heavy metal substances.

11) Any water or wastes containing the discharge of strong acid iron pickling wastes or concentrated plating solution without proper pretreatment.

12) Any noxious or malodorous gas or substance which, either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.

13) Any long half-life (over 100 days) radioactive isotopes without special permit from the Village. The radioactive isotopes such as I-131 and p-32 used at hospitals are not prohibited if properly diluted at the source and discharged in accordance with Atomic Energy Commissions recommendations.

14) Any water or waste which by interaction with other water or wastes in the public sewer system releases obnoxious gases as referred to in subsection "12" hereof, or develops color of undesirable intensity or forms suspended solids in objectionable concentration or creates any other conditions deleterious to the sewers or the sewage treatment process.

B) Violation of any individual provision of this section shall be subject to a penalty as provided and each and every day of occurrence shall be considered as a separate offense. The penalty shall in no way relieve any individual, company, or industry of any liabilities for damage to any of the facilities, injury to persons or animals, nor shall it relieve any individual, company or industry from being liable for any expense, loss, or damage occasioned the Village by reason of such violation. Prior to the application of the above prescribed penalties, the individual, company or industry found in violation shall be notified in writing

by the Board advising of the violation and the necessary action to be taken. The individual, company or industry will be granted a period of time, as determined by the Board, in which to effect remedial measures. Thereafter, the individual, company, or industry will be on notice that further violation shall be immediately subject to the prescribed penalty or penalties.

C. If any waters or wastes are discharged or are proposed to be discharged to the public sewers which waters contain the substances or possess the characteristics enumerated above and which, in the judgment of the Board of Public Affairs may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Board may:

1. Reject the wastes
2. Require pretreatment to an acceptable condition for discharge to the public sewers
3. Require control over the quantities and rates of discharge, and/or
4. Require payment to cover the added cost of handling and treatment of the wastes

D. If the Board permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Board, and to the requirements of all applicable codes, ordinances, and laws.

E. The Clerk shall determine annually if the sewage rate charge is sufficient to operate the system and maintain and replace worn or obsolete system equipment and prepare a written report to the Mayor, Council and Board of Public Affairs.

Section 4. SEWER CONNECTIONS OR TAPS

A. Any building or structure in which wastewater is generated and that is within 200 feet of a Village sanitary sewer shall be and is hereby required to connect into and discharge said wastewater into the Village sewer system.

B. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Board, to meet all requirements of this ordinance.

C. (1) All sanitary sewer lines may be installed of extra strength clay, concrete pipe, or other sewer pipe material as approved by the Engineer and OEPA in accordance with the specifications of the American Society of Testing Materials for such pipe. It shall be installed in compliance with standard specifications of the Engineer.

(2) Building sewers shall be not less than 4" in diameter and shall have a slope of not less than 1/8" per foot.

D. The applicant for the building sewer permit shall notify the Board when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Board.

Section 5. APPLICATION FOR TAP

A. (1) Whoever desires to tap an existing sanitary, combined, or outfall sewer owned or controlled by the Village shall file an application therefor with the Board.

(2) The application shall contain a sketch description of the premises to be drained and a copy of the deed showing ownership. If more than one lot is to be drained, a plat shall be filed with the application showing the location of each lot and such other information as the Board requires. No permit shall be granted or application approved for the tapping of the sanitary sewer unless the proposed use of the premises described in the application conforms fully to Village requirements.

B. All property owners contiguous to the Village limits or located in a subdivision or platted area contiguous to the Village limits shall be required to seek annexation to the Village before any sewer tap is granted by the Board.

C. If the Board is satisfied after proper investigation that such a tap would be in no way harmful to the community nor cause the Village to violate its NPDES permit, and that sufficient capacity exists at the wastewater treatment plant, he may issue such permit and shall charge the applicant a sum in conformity with the following schedule:

1) For connecting a branch sewer line to the existing sewer system or main, a fee shall be paid as follows (plus the tap fee in paragraph 2 below);

For sewerage two through five lots	\$50.00
For sewerage six through twenty four lots	\$150.00
For sewerage twenty five or more lots	\$200.00

In case of unplatted lands, each sixty feet of street frontage shall be assumed to be a lot. Connection shall be made by constructing a standard manhole at the point of juncture with the main sewer.

2) For the inspection and recording of each lateral tap connection to the main or branch sewer in the street, a fee of \$3,000.00 for a 4" tap and \$5,000.00 for a 6" tap shall be charged.

D. No work shall be done in tapping any such sewers unless the permit above provided for is posted on the job.

E. (1) All work in connection with the tapping of the sewer and the line thereto shall comply with the specifications for sewers on file in the office of the Board and be installed by a contractor approved by the Board.

(2) No connection shall be made to the sewer where there is no "wye" or "tee" to attach to unless there is a representative of the Board present, and the method shall be approved by the Board.

F. The Village reserves the right of inspection of all sewer connections to the house waste plumbing as to proper pipe size, pipe material, pipe joint installation which must be installed in accordance with Village specifications, which specifications must be met before the connection is made.

Section 6. CONNECTIONS PROHIBITED WITH SANITARY SEWERS

A. (1) No person shall connect a surface water drain, surface water tile, watercourse, surface water conduit, downspouts, or storm water sewer with any sanitary sewer owned or controlled by the Village. No person who is the owner or who is exercising control over any premises shall permit or suffer any surface water drain, surface water tile, watercourse, surface water conduit, downspouts, or storm water sewer on or from the premises to be or remain connected with any sanitary sewer owned or controlled by the Village.

(2) Persons who occupy premises as a tenant, lessee, or licensee, and who are not empowered to alter sewer connections on or from the premises, shall not come within the definition of persons "exercising control" over the premises as such term is used in this section.

B. No person shall allow any house drain to be connected with any privy vault or cesspool or any fixture not provided with water for flushing.

C. No owner of any automobile garage shall connect with any sanitary sewer for the purpose of using the same as a drain or catch basin in washing or cleaning automobiles or other vehicles. The owner of the automobile garage or persons operating the same may make application to the Board to connect with a sanitary sewer for the purposes aforesaid and submit therewith their plans and specifications for connecting and using such sewer.

Section 7. STORM SEWER AND SANITARY CONSTRUCTION

A. STORM SEWER CONSTRUCTION - All storm sewers constructed in

the Village shall meet the requirements of the State of Ohio, Department of Highways, and shall be constructed of:

1. Extra strength vitrified sewer pipe, or
2. Concrete pipe meeting ASTM specifications, or
3. Fully coated bituminous coated corrugated metal pipe meeting ASTM specifications.

B. SANITARY SEWER CONSTRUCTION - All sanitary sewer lines shall conform to the requirements of the Ohio Building Code.

Section 8. LIMITATIONS OF WASTEWATER STRENGTH

A. NATIONAL CATEGORICAL PRETREATMENT STANDARDS - Federal categorical pretreatment standards as promulgated by the U.S. Environmental Protection Agency (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 Regional Administrator by the Village, when the Village's wastewater treatment system achieves consistent removal of the pollutants as defined by 40 CFR 403.7.

B. STATE REQUIREMENTS - State requirements and limitations on discharges to the POTW shall be met by all dischargers which are subject to such standards in any instance in which they are more stringent than Federal requirements and limitations or those in this or any other applicable ordinance.

C. RIGHT OF REVISION - The Village reserves the right to amend this ordinance to provide for more stringent limitations or requirements on discharges to the POTW where deemed necessary.

D. 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 section.

E. (1) SUPPLEMENTARY LIMITATIONS - No discharger shall discharge wastewater containing concentrations of the following enumerated materials, exceeding the following values:

<u>MATERIAL</u>	<u>CONCENTRATION (MG/L)</u>	
	Maximum Monthly Average	Maximum Day
Cadmium	0.15	0.75
Copper	1.5	3.5
Lead	2.0	3.5
Nickel	3.5	5.5

Total Chromium	5.0	10.00
Zinc	1.0	2.0
Phenols	0.5	0.5

(2) The Village may impose mass limitations on dischargers which are using dilution to meet the pretreatment standards or requirements of this ordinance or in other cases where the imposition of mass limitations is deemed appropriate by the Authority.

(3) Each discharger shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this ordinance. Where necessary, facilities to prevent 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 Village for review and shall be approved by the Village before constructions of the facility.

(4) Dischargers shall notify the Village immediately upon the occurrence of a slugload or accidental discharge of substances prohibited by this section. The notification shall include location of discharge, date and time thereof, type of waste, 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 Village on account thereof under State or Federal law.

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

Section 9. VIOLATIONS CHARGED AS DISORDERLY CONDUCT

A. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the Village sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Section 10. RIGHT OF ENTRY FOR INSPECTION OR TESTING

A. The Board and any other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observations, measurement, sampling, and testing in accordance with the provisions of this ordinance.

Section 11. CONFLICT AND VALIDITY

A. All ordinances or parts of ordinances in conflict herewith are hereby repealed. The invalidity of any section, clause, sentence, or provision of this chapter shall not affect the validity of any other part of this chapter which can be given effect without such invalid part or parts.

Section 12. PENALTY

A. Whoever violates any provision of this chapter shall be fined not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100). Each day's continuous violation constitutes a separate offense.

Section 13. SEWER SERVICE CHARGE AND SURCHARGE

A. A sewage user's service charge shall be levied and collected from all residential, commercial institutions, governmental, and industrial establishments which are connected to the sewer system. The charges shall be equitably and equally divided among all users in proportion to water use and wastewater discharge and shall be adequate, in the aggregate, to provide sufficient funds for the operation, maintenance, debt service, and replacement expenses of the sewerage system.

B. An annual review of the sewer user service charge system, sewer income and expenditures shall be made by Village officials and an annual notification to all sewer users shall be made showing the portion of each sewer bill expended or proposed to be expended for the operation, maintenance, debt service and replacement expenses of the sewerage system. No building or establishment shall be permitted to use the sewerage system without paying an equitable share of all sewer system expenses.

C. A sewage user service charge and sewer service surcharge is hereby established:

(1) For any lot, parcel of land, building or premises situated within or without the Village and having any connection to the sanitary sewerage system or otherwise discharging sewerage, liquid wastes, water or other liquids, either directly or indirectly into the sewerage system, and which lot, parcel of land, building or premises receives all of the water used in or on such lot, parcel of land, building or premises from the Hamersville Water System, such sewerage charges or rentals shall be based upon the quantity of water used. The sewer user service shall be in an amount equal to the charge per 1000 gallons based on water meter readings for the water used or metered to the lot, parcel of land, building or premises, for operation maintenance and replacement.

(2) Effective of start of sewer system the debt service and administration charge per user shall be per month. The operation and maintenance and replacement charges shall be made at the rate of \$35.00 per first 5,000 gallons for all usage, \$3.00 for every 1,000 gallons thereafter.

(3) In the event a lot, parcel of land, building or premises, discharging sewerage, liquid waste, water or other liquids into the Village sewerage system, either directly or indirectly, does not receive all of the water used in or on such lot, parcel of land, building or premises from the Hamersville Water System and all of the water used thereon or therein is not measured by a Village water meter, or a meter acceptable to the Board, then, in each such case that property owner shall pay a monthly user's fee of \$50.00.

(4) Each single family pays a residential tap fee and a monthly users fee. Multiple family residences with one (1) to three (3) apartments pays a residential tap fee and each apartment pays a monthly users fee.

Multiple family buildings with four (4) or more units pay a commercial tap fee and each unit pays a monthly users fee.

(5) In every case when an existing or proposed user desires to discharge to the Village's sewerage system a waste of greater than the defined strength of normal sewage, the Board shall determine:

- a. To refuse to accept the waste for treatment; or
- b. Require pretreatment by the user to a strength of normal sewage; or
- c. To accept and treat the waste for the following stated surcharge.

(6) No provision of this section shall prohibit any special agreements with users, as may be determined to be desirable by the Village for purposes such as equalizing of flow, time of waste treatment, accepting special wastes, etc. All special agreements shall be governed by the provisions and rates as set forth in this section.

(7) A sewer service surcharge shall be applied when either or both the total suspended solids and BOD of a water or waste accepted for admission to the Village sewage works exceeds the values of these constituents for normal sewage. The excess concentration in either or both, as the case may be, shall be evaluated volumetrically in terms of normal sewage and be subject to surcharge on the volume as derived in accordance with the following formula:

$$Cs = (Bc \times B + Sc \times S) \quad Vu \times 8.345 \times .001$$

Cs = Surcharge in dollars

Bc = Unit cost for BOD in dollars per pound of BOD

B = Strength of BOD in wastewater in excess of normal domestic strength waste

Sc = Unit cost for suspended solids in dollars per pound of suspended solids

S = Strength of suspended solids in wastewater in excess of normal domestic strength waste

Vu - Total volume discharge by user in 1000 of gallons

General assumption used and accepted by OEPA (40% of budget is for volume, 30% of budget is for BOD, and 30% of budget is for suspended solids).

Section 14. WASTEWATER DISCHARGERS

A. It shall be unlawful for any significant industrial user to discharge sewage, industrial wastes or other wastes without a permit issued by the Village to any sewer within the jurisdiction of the Village and/or to the POTW if the industrial discharger has been determined to be a major significant industrial user by the Village or Ohio EPA.

B. 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.

Section 15. MONITORING FACILITIES

A. Each major significant industrial user discharger shall provide and operate, at the discharger's own expense, a monitoring facility to allow inspection, sampling and flow measurement of each sewer discharge to the Authority. Each monitoring facility shall be situated on the discharger's premises, except where such a location would be impractical or cause undue hardship on the discharger, the Authority may concur with the facility being constructed in the public street or sidewalk area providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles.

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

C. All monitoring facilities 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 permit by discharger.

Section 16. OWNER RESPONSIBLE FOR MEASURING WASTES

A. The Owner shall be responsible for all measurements of flow of wastewater discharged to the sanitary sewer system, except where water meter readings are employed. The method of measurement shall be subject to the approval of the Board. The Village and the Board shall have access at all times to such measuring or metering facilities for the purpose of checking and determining the accuracy of such measuring devices.

B. Where a sewer service surcharge is applicable, the Owner shall be responsible for and perform all necessary analytical work. Analytical methods shall conform to the Standard Methods of Water and Sewage Analysis of the American Public Health Association, latest edition. Frequency of sampling and analysis as well as compositing of samples shall be as required by the Board. Copies of analytical results shall be submitted monthly to the Board. The Village reserves the right to secure samples and check analysis of the waste and to adjust the surcharge accordingly if the Village analyses are materially different from the Owner's.

Section 17. PAYMENT

A. The sewer service charge or rental provided in this ordinance shall be payable at such times as water charges are payable for the respective premises for which the charge or rental is made. In case where no water is furnished by the Hamersville water system to the lot, parcel of land, building or premises a separate quarterly bill for a sewer service charge or rental shall be made, the charge or rental shall be payable at such times as shall be determined by the Board.

B. The Board is authorized to make and enforce such bylaws and regulations as may be necessary for collection of sewer service charges or rentals provided by this ordinance, including the power to shut off the water supply furnished by the Village to persons delinquent in the payment of such sewer service charges or rentals. In addition, the Board may certify unpaid sewer service charges to the County Auditor as a lien on the property or structure for which sewer services are unpaid.

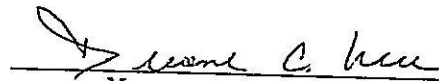
Section 18. RIGHT OF APPEAL

A. Any discharger or any interested party shall have the right to request, in writing, an interpretation of ruling by the Village on any matter covered by this chapter and shall be entitled to a prompt written reply. In the event that such inquiry is by a

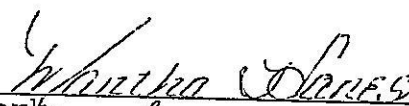
discharger and deals with a wastewater discharge permit issued pursuant hereto for which enforcement activity relating to an alleged violation is the subject, receipt of a discharger's request shall stay all enforcement proceedings pending receipt of the aforesaid written reply. Appeal of any final judicial order entered pursuant to this chapter may be taken in accordance with local and State law.

Section 19: This Ordinance is hereby declared an emergency measure for the reason that the same is necessary for the protection of the public health, welfare, and safety of the residents of said Village; the Council of the Village of Hamersville having voted by a three-fourths or greater vote by all members of the Council, to dispense with a full and greater vote by all members of the Council and distinct reading of this Ordinance on three different days; and having been so passed, this Ordinance shall become effective immediately upon the signature of the Mayor and shall take effect at the earliest time allowed by law.

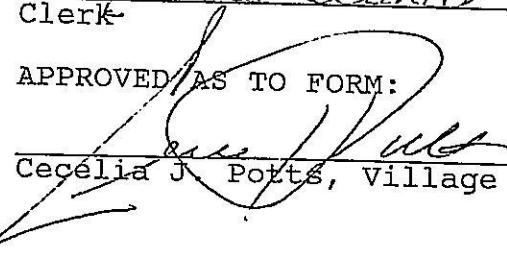
PASSED in Council this 2nd day of September, 1997.


Mayor

ATTEST:


Clerk

APPROVED AS TO FORM:


Cecelia J. Potts, Village Solicitor