

# Earnhart Hill Regional Water & Sewer District

## Resolution 2010-05

A RESOLUTION ESTABLISHING RULES AND REGULATIONS FOR THE SEWAGE WORKS, REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM OF THE EARNHART HILL REGIONAL WATER AND SEWER DISTRICT, CIRCLEVILLE, OHIO (HEREINAFTER CALLED EHRWSD) AND PROVIDING PENALTIES FOR VIOLATIONS OF SECTIONS THEREOF.

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF EHRWSD, CIRCLEVILLE, OHIO (HEREINAFTER CALLED THE BOARD):

### 1. Definitions

- 1.1. Unless the context specifically indicates otherwise, the meaning of the following terms, if used in the RESOLUTION or if used in the rules and regulations adopted by the Board to implement the provisions of this RESOLUTION shall be as follows:
- 1.2. "Biochemical Oxygen Demand" (or BOD) of sewage, sewage effluent, polluted waters or industrial wastes shall mean the quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter by aerobic biochemical action. The laboratory determinations shall be made in accordance with procedures set forth in Standard Methods.
- 1.3. "Board" shall mean the Board of Trustees of the Earnhart Hill Regional Water & Sewer District, Circleville, Ohio, or any duly authorized official acting in its behalf.
- 1.4. "Building Drain" (or House Drain) shall mean that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil waste and other drainage pipes inside the walls of the buildings and conveys it to a point approximately three feet outside the foundation wall of the building.
- 1.5. "Building Sewer" (or House Sewer) shall mean the pipe which is connected to the building drain at a point approximately three feet outside the foundation wall of the building and which conveys the building's discharge from that point to the public sewer, the septic tank or other place of disposal.
- 1.6. "Chemical Oxygen Demand" (or COD) of sewage, sewage effluent, polluted waters or industrial wastes is a measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in Standard Methods.
- 1.7. "Combined Sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.
- 1.8. "Compatible Pollutant" shall mean biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus pollutants identified in the NPDES Permit if the treatment works were designed to treat such pollutants and, in fact, does remove such pollutants to a substantial degree. The term substantial degree is not subject to precise definition, but generally contemplates removals in the order of 80 percent or greater. Minor incidental removals in the order of 10 to 30 percent are not considered substantial. Examples of the additional pollutants which may be considered compatible include: (a) chemical oxygen demand, (b) total organic carbon, (c) phosphorus and phosphorus compounds, (d) nitrogen and nitrogen compounds, and (e) fats, oils, and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works).
- 1.9. "Debt Service" shall mean the funds used for the retirement of and interest on Bonds and/or Notes

authorized and issued by the District to construct sewage system facilities.

- 1.10. "Distribution Superintendent" shall mean the Distribution Superintendent of the District or his/her duly authorized representative.
- 1.11. "District" shall mean the service area of the Earnhart Hill Regional Water & Sewer District.
- 1.12. "Effluent" shall mean the water, together with any wastes that may be present, flowing out of a drain, sewer, receptacle or outlet.
- 1.13. "EPA" shall mean the U.S. Environmental Protection Agency.
- 1.14. "Fecal Coliform" shall mean any of a number of organisms common to the intestinal tract of humans and animals, whose presence in sanitary sewage is an indicator of pollution.
- 1.15. "Floatable Oil" shall mean oil, fat, or grease in a physical state such that will separate by gravity from wastewater by treatment in a pretreatment facility approved by the District.
- 1.16. "Garbage" shall mean any solid wastes from the preparation, cooking, or dispensing of food and from the handling, storage, or sale of produce.
- 1.17. "Hydrogen Ion Concentration" see definition of "pH".
- 1.18. "Incompatible Pollutant" shall mean any pollutant that is not defined as a compatible pollutant, including non-biodegradable dissolved solids.
- 1.19. "Industrial Sewage" shall mean any solid, liquid, or gaseous substance or form of energy discharged, permitted to flow or escaping from an industrial, manufacturing, commercial, or business process or from the development, recovery, or processing of any natural resources carried on by any person, exclusive of sanitary sewage.
- 1.20. "Infiltration" shall mean the water entering a sewer system, including building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. (Infiltration does not include and is distinguished from inflow.)
- 1.21. "Inflow" shall mean the water discharged into a sewer system including building drains and sewers, from such sources as, but not limited to: roof, cellar, yard, and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers, and combined sewers, catch basins, storm waters surface run-off, street wash waters or drainage. (Inflow does not include and is distinguished from infiltration.)
- 1.22. "Infiltration/Inflow" shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.
- 1.23. "Inspector" shall mean the person or persons duly authorized by the District to inspect and approve the installation of building sewers and their connection to the public sewer system.
- 1.24. "General Manager" shall mean the General Manager of the District or its otherwise duly authorized representative.
- 1.25. "Major Contributing Industry" shall mean an industry that: (1) has a flow of 50,000 gallons or more per average work day; (2) has a flow greater than five percent of the flow carried by the District receiving the waste; (3) has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307 (a) of PL 92-500; or (4) is found by the permit issuance authority, in connection with the

issuance of an NPDES Permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

- 1.26. "NH<sub>3</sub>-N" shall mean the same as Ammonia Nitrogen measured as Nitrogen. The laboratory determinations shall be made in accordance with procedures set forth in Standard Methods.
- 1.27. "Normal Domestic Sewage" shall have the same meaning as defined in the Sewer Rate RESOLUTION.
- 1.28. "NPDES Permit" shall mean a permit issued under the National Pollutant Discharge Elimination System for discharge of waste waters to the navigable waters of the United States pursuant to Section 402 of PL 92-500.
- 1.29. "Operation and Maintenance Cost" shall mean the costs incurred in the act of keeping all facilities for collection, pumping, treating, and disposing of sewage, in a good state of repair and functioning properly including the replacement of said facilities when necessary.
- 1.30. "Outlet" shall mean any outlet, natural or constructed, which is the point of final discharge of sewage or of treatment plant effluent into any watercourse, pond, ditch, lake or other body of surface or ground water.
- 1.31. "Person" shall mean any individual, partnership, firm, company, municipal or private corporation, association, society, institutions, enterprise, governmental agency or other legal entity or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by context.
- 1.32. "Phosphorus (or P)" shall mean the chemical element phosphorus, total. The laboratory determinations shall be made in accordance with procedures set forth in Standard Methods.
- 1.33. "pH" shall mean the logarithm (to the base of 10) of the reciprocal of the hydrogen ion concentration of a solution expressed in gram-atoms per liter of solutions.
- 1.34. "Primary Sewer Main" for purposes of this RESOLUTION, shall mean the public sewer main which is required to transport sewage from the service lateral of the nearest prospective customer to the proposed point of connection at the Sewage Works' existing sewer main.
- 1.35. "Pretreatment" shall mean the treatment of industrial sewage from privately owned industrial sources prior to introduction into a public treatment works.
- 1.36. "Properly Shredded Garbage" shall mean 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, with no particle greater than one-half (1/2) inch in any dimension.
- 1.37. "Replacement Costs" shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
- 1.38. "Sanitary Sewage" shall mean sewage discharged from the sanitary conveniences of dwellings (including apartment houses, hotels, and motels), office buildings, factories or institutions and free from storm water, surface water and industrial wastes.
- 1.39. "Secondary Sewer Main" for purposes of this RESOLUTION shall mean the public sewer main which is

required to provide services.

- 1.40. "Service Charge" shall mean the basic charge levied on all users of the public sewerage system for wastes which do not exceed in strength the concentration values above which a surcharge will be made.
- 1.41. "Sewage" shall mean the water-carried wastes from residences, business buildings, institutions, and industrial establishments singular or in any combination, together with such ground, surface, and storm waters as may be present.
- 1.42. "Sewage Works" shall mean the organization and all facilities for collecting, transporting, and pumping of sewage, namely the sewerage collection system.
- 1.43. "Sewer" shall mean a pipe or conduit for carrying sewage or other waste liquids.
  - 1.43.1. "Private Sewer" shall mean a sewer which is not owned by a public authority.
  - 1.43.2. "Public Sewer" shall mean a sewer in which all owners of abutting property have equal rights and which is controlled by the District.
  - 1.43.3. "Sanitary Sewer" shall mean a sewer which carries sewage and into which storm, surface and ground waters and unpolluted industrial waste waters are not intentionally admitted.
  - 1.43.4. "Storm Sewer" shall mean a sewer which carries storm and surface water drainage but excludes sewage.
- 1.44. "Sewerage System or Sewage System" shall mean the network of sewers and appurtenances used for collecting, transporting, and pumping sewage.
- 1.45. "Shall" is mandatory; "May" is permissible.
- 1.46. "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
- 1.47. "Standard Methods" shall mean the laboratory procedures set forth in the latest edition, at the time of analysis, of Standard Methods for the Examination of Water and Wastewater, prepared and published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation and "Guidelines Establishing Test Procedures for Analysis of Pollutants", Regulation 40 CFR Part 136, published in the Federal Register on October 16, 1975.
- 1.48. "Surcharge" shall mean the extra charges for sewerage service assessed customers whose sewage is of such a nature that it imposes upon the Sewage Works a burden greater than that covered by the basic service charge.
- 1.49. "Suspended Solids" shall mean solids which either float on the surface of or are in suspension in water, sewage or other liquid and which are removable by laboratory filtration. Their concentration shall be expressed in milligrams per liter. The laboratory determinations shall be made in accordance with procedures set forth in Standard Methods.
- 1.50. "Total Revenue" for purposes of this RESOLUTION shall mean that revenue obtained from monthly billing for the use of and service rendered by the Sewage Works and does not include capacity charges, permits, inspection fees or other charges.

- 1.51. "Total Solids" shall mean the sum of suspended and dissolved solids. The laboratory determinations shall be made in accordance with procedures set forth in Standard Methods.
- 1.52. "Toxic Amount" shall mean concentrations of any pollutant or combination of pollutants, which upon exposure to or assimilation into any organism will cause adverse effects such as cancer, genetic mutations, and physiological manifestations, as defined in standards issued pursuant to Section 307 (a) of PL 92-500.
- 1.53. "Unpolluted Water" is water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- 1.54. "Facility Charge" shall mean the monthly charge for service availability regardless of usage or whether the sewer service has been connected to the property.
- 1.55. "Capacity Fee" is a fee charged to an individual who is authorized to connect to the District's sewer system or who is authorized to increase the volume of wastewater discharged into an existing sewer connection.
- 1.56. "Volatile Organic Matter" shall mean the material in the sewage solids transformed to gases or vapors when heated at 550 degrees C for 15 to 20 minutes. The laboratory determinations shall be made in accordance with procedures set forth in Standard Methods.
- 1.57. "Watercourse" shall mean a channel in which a flow of water occurs either continuously or intermittently.

## **2. Service Applications**

- 2.1. Any person holding property having reasonable accessibility to the sanitary sewer may obtain sewer service from EHRWSD. Persons who receive the approval of the Board may receive service upon signing such agreements for the purchase of sewer service as may be provided and required by EHRWSD, provided that no person otherwise eligible shall be permitted to subscribe for or require a service from EHRWSD if the capacity of the sewer system is exhausted by the needs of its existing customers.
- 2.2. A tap charge and capacity charge shall be paid for each new service according to the current rate schedule.
  - 2.2.1. The tap charge and capacity charge shall be waived if the property for which service is requested has incurred a special property tax assessment for the cost of construction of the original sewer main.
    - 2.2.1.1. Deferred assessments must be paid in full for parcels or portions thereof which are converted from agricultural use prior to obtaining sewer service.
- 2.3. EHRWSD may reject any application for service when the applicant is delinquent in payment of bills incurred for service previously supplied at any location.
- 2.4. The owner of the property shall be responsible for payment of all bills incurred in connection with the service rendered.
  - 2.4.1. If the owner of a property chooses to rent said property; the owner must sign an Owner/Renter Agreement for each property to allow the renter to establish sewer service in his/her name.

- 2.4.2. EHRWSD shall collect a deposit according to the Schedule of Rates and Fees for each rental property where the service is established in the renter's name. The deposit shall be held until the discontinuance of service at which time the deposit shall be applied to the final bill.

### **3. Rules and Regulations**

- 3.1. It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the District, or in any area under jurisdiction thereof, any human or animal excrement, garbage, or other objectionable waste.
- 3.2. It shall be unlawful to discharge to any natural outlet within the District, or in any area under the jurisdiction thereof, any sanitary sewage, industrial waste or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of this RESOLUTION.
- 3.3. No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the District, any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this RESOLUTION and NPDES Permit.
- 3.4. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facilities intended or used for the treatment and disposal of sewage.
- 3.5. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes and situated within the District and abutting any road, highway, street, alley, or right-of-way in which there is now located or may in the future be located a public sewer of the District is hereby required, at his expense, to install suitable toilet facilities, and to connect such facilities to the public sewer in accordance with the provisions of this RESOLUTION and Ohio Department of Health Regulation 3701-29-02 (L) & (M), within ninety (90) days after date of official notice to do so, provided that said public sewer is within two hundred (200) feet of the dwelling or building foundation.
- 3.6. No person shall uncover, use, alter, make any connections with or opening into or disturb any public sewer or appurtenances thereof without first obtaining a written permission from EHRWSD.
- 3.7. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner or the person installing the building sewer for said owner shall indemnify EHRWSD from any loss or damage that may directly or indirectly be occasioned by said installation.
- 3.8. A separate and independent building sewer shall be provided for every building; except where otherwise permitted by EHRWSD.
- 3.9. Old building sewers may be used in connection with new buildings only when they are found on examination and testing by the Distribution Superintendent to meet all requirements of this RESOLUTION.
- 3.10. The building sewer shall meet EHRWSD's current specifications for sanitary sewer construction.
- 3.11. The size and slope of the building sewers shall be subject to the approval of the Distribution Superintendent, but in no event shall the diameter be less than 4 inches for a single family or duplex residential units and not less than 6 inches for all other uses. The slope of such 4 inch pipe shall be not less than 1/4 inch per foot or sufficient slope to maintain a 2 foot per second velocity in the sewer.
- 3.12. A cleanout shall be installed within 3 feet of the building foundation.

- 3.13. No building sewer shall be laid parallel to or within 3 feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment in so far as possible. Changes in direction shall be made only with properly curved pipes and fittings.
- 3.14. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer. No water operated sewage ejector shall be used.
- 3.15. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Distribution Superintendent. Pipe laying and backfill shall be performed in accordance with ASTM specifications except that no backfill shall be placed until the work has been inspected by the Distribution Superintendent.
- 3.16. All joints and connections shall be made gas tight and water tight.

Cast iron joints shall be either caulked, threaded, flexible compressions factory-fabricated, mechanical, elastomeric, or rubber-ring type.

- 3.17. Joints between clay pipe and pipe of other materials shall be made with approved adapter fittings or prefabricated elastomeric sealing rings or sleeves.
- 3.18. Other jointing materials and methods may be used by approval of the General Manager.
- 3.19. The applicant for a building sewer permit shall notify EHRWSD 24 hours in advance of when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the inspection of the Distribution Superintendent.
- 3.20. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Distribution Superintendent.
- 3.21. Where a public sanitary sewer is not available under the provisions of Section 2.5, the building sewer shall be connected to a private sewage disposal system complying with all requirements of the local Board of Health or Ohio EPA, whichever shall have jurisdiction.
- 3.22. At such time as a public sewer becomes available to a property served by a sewage disposal system as provided, a direct connection from the user (source) side of the sewage disposal system shall be made to the public sewer in compliance with this RESOLUTION, and any septic tanks, cesspools or similar private sewage disposal system shall be properly abandoned except as otherwise provided for herein.
- 3.23. No person shall operate and maintain any private sewage disposal facilities in the District where public sewers are available.
- 3.24. No statement contained in this RESOLUTION shall be construed to interfere with any additional requirements that may be imposed by the State of Ohio, the Fairfield County Board of Health or the Pickaway County Board of Health.
- 3.25. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff or subsurface drainage to any sanitary sewer.
  - 3.25.1. Storm water and all other unpolluted waters shall be discharged to such sewers as are specifically designated as storm sewers, or to natural outlet approved by proper authorities.

- 3.25.2. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers.
  - 3.25.3. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
  - 3.25.4. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantities, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
  - 3.25.5. Any waters or wastes having corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
  - 3.25.6. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, 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, etc., either whole or ground by garbage grinders.
- 3.26. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes except if it appears likely, in the opinion of the General Manager that such wastes will not harm either the sewers, sewage treatment process or equipment, not have an adverse effect on the receiving stream nor can otherwise endanger life, limb, public property nor constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the General Manager will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant and other pertinent factors. Included but not limited to, the substances not acceptable are as follows:
- 3.26.1. Any liquid or vapor having a temperature higher than 150 degrees F., (65 degrees C).
  - 3.26.2. Any water or waste containing fats, wax, grease, or oils whether emulsified or not, in excess of 100 mg/L of which not more than 25 mg/L is soluble oils, or containing substances which may solidify or become so highly viscous as to retard flow in the sewer system at temperatures between 32 degrees and 150 degrees F. (0 and 65 degrees C.)
  - 3.26.3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder (other than in a residence) may be subject to the review and approval of the General Manager.
  - 3.26.4. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
  - 3.26.5. Any waters or wastes exceeding the following maximum allowable limits: 2.0 mg/L of total zinc, 2.0 mg/L of total chromium, 0.2 mg/L cadmium, 1.0 mg/L of total copper, 0.5 mg/L of cyanide, 2.0 mg/L of total nickel, 2.0 mg/L of Phenol, 10.0 mg/L of iron, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the General Manager for such materials.
  - 3.26.6. Any waters or wastes containing phenols or other taste or odor-producing substances after treatment of the composite sewage, in such concentrations exceeding limits which may be established by the General Manager as necessary to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the respective waters.



- 3.26.7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the General Manager in compliance with applicable State or Federal regulations.
- 3.26.8. Any waters or wastes having a pH of less than 6 or in excess of 9.
- 3.26.9. Materials which exert or cause:
  - 3.26.9.1. Unusual concentrations of inert, suspended solids such as but not limited to, Fullers earth, lime slurries, and lime residues or of dissolved solids (such as but not limited to sodium chloride and sodium sulfate).
  - 3.26.9.2. Excessive discoloration (such as but not limited to dye wastes and vegetable tanning solutions).
  - 3.26.9.3. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment plant.
- 3.26.10. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- 3.26.11. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- 3.27. If any waters or wastes are discharged or are proposed to be discharged to the public sewers which waters contain the substance or possess the characteristics enumerated in Section 2.33 hereinabove, and which in the judgment of the General Manager 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 General Manager shall:
  - 3.27.1. Require industries with significant increase in discharges to submit information on waste-water characteristics and obtain prior approval for discharges.
  - 3.27.2. Require other methods of disposal; and/or
  - 3.27.3. Require pretreatment to an acceptable condition for discharge to the public sewers; and/or
  - 3.27.4. Require control over the quantities and rates of discharge; and/or
  - 3.27.5. Require facilities to prevent accidental discharge of any unacceptable wastes, and
  - 3.27.6. Require payment to cover the added cost of handling and treating the wastes not covered by sewer charges under the provisions of the Sewer Rate RESOLUTION and all RESOLUTION'S amendatory thereof and supplemental thereto, and any fines, penalties or damages assessed against EHRWSD for discharge of such wastes.
- 3.28. If the General Manager permits the pretreatment or equalization of water flows, the design and installation of the plans and equipment shall be subject to the review and approval of the General Manager and subject to the requirements of all applicable RESOLUTION'S and laws.
- 3.29. Any industrial wastes discharged into the public sewers shall be subject to periodic inspection and determination of volume, character, and concentration. The examination shall be made as often as the General Manager deems it necessary and may include the use of suitable continuously monitoring

instruments in appropriate cases. Samples shall be collected either manually or by approved mechanical devices and in such a manner as to be representative of the overall composition of the wastes. Every care shall be exercised in collecting the samples to insure their preservation, until analyzed, in a state comparable to that at the time the samples were collected.

- 3.30. The installation, operation and maintenance of the flow measuring and sampling facilities shall be the responsibility of the person discharging the wastes and shall be subject to the approval of the General Manager. When required by the General Manager, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation sampling and measurement of the wastes. Such manhole, when required, shall be constructed in accordance with plans approved by the General Manager. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
- 3.31. The General Manager, or duly authorized employees of EHRWSD, bearing credentials and identification shall be permitted to enter all properties for the purposes of inspection, observations, measurement, sampling, and testing in accordance with the provisions of the RESOLUTION. The General Manager shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- 3.32. While performing the necessary work on private properties referred to in Section 2.34 above, the General Manager or duly authorized employees of EHRWSD shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to EHRWSD employees and EHRWSD shall indemnify the company against loss or damage to its property by EHRWSD employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 2.34 above.
- 3.33. The General Manager and other duly authorized employees of EHRWSD bearing proper credentials and identification shall be permitted to enter all private properties through which EHRWSD holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
- 3.34. Fats, grease, oil and sand interceptors shall be provided when, in the opinion of the General Manager, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients. All interceptors shall be of a type and capacity approved by the General Manager, and shall be located as to be readily and easily accessible for cleaning and inspection. Provided, however, that approval of any such interceptors by the General Manager shall not relieve any person of the responsibility of complying with the discharge requirements of this RESOLUTION.
- 3.35. Fats, grease, oil and sand interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be watertight.
- 3.36. Where installed, all fats, grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.
- 3.37. The admission into the public sewers of any waters or wastes having (a) a BOD greater than 250 mg/L or (b) containing more than 250 mg/L suspended solids, or (c) containing any quantity of substances

having the characteristics described in Section 2.33, or (d) having an average daily flow greater than 5% of the average daily sewage flow of the District, or (e) having NH<sub>3</sub>-N (Ammonia Nitrogen) greater than 30 mg/L, shall be subject to the review and approval of the General Manager. Where necessary in the opinion of the General Manager, the owner shall provide at his expense such preliminary treatment as may be necessary to (a) reduce BOD to 250 mg/L, the suspended solids to 250 mg/L, and the ammonia nitrogen to 30 mg/L, or (b) reduce the objectionable characteristics or constituents to within the maximum limits provided in Section 2.33, or (c) control the quantities and rates of discharge of such waters or wastes, or (d) be subject to surcharge.

- 3.38. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- 3.39. All measurements, tests, and analyses of the characteristics of waters and wastes to which references are made herein, shall be determined in accordance with Standard Methods and 40 CFR 136.
- 3.40. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the District and any industrial concern whereby an industrial waste of unusual strength of character may be accepted by the District for treatment, subject to payment therefore by the industrial concern; provided, however, that the payment shall not be less than the pollutant surcharges provided for in the Sewer Rate RESOLUTION and RESOLUTION'S amendatory thereof and supplemental thereto.
- 3.41. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the Sewage System.
- 3.42. Pretreatment of industrial wastes from major contributing industries prior to discharge to the treatment works is required and is subject to the Rules and Regulations adopted by the U.S. Environmental Protection Agency and published in the Federal Register (40 CFR Part 403) (Pretreatment Standards) (Pursuant to 307(b) of the Clean Water Act (CWA)), in addition to any more stringent requirements established by the District and any subsequent State or Federal Guidelines and Rules and Regulations.
- 3.43. Plans, specifications, and any other pertinent information relating to pretreatment or control facilities shall be submitted for approval of EHRWSD and the Ohio EPA and no construction of such facilities shall be commenced until approval, in writing, is granted. Where such facilities are provided, they shall be maintained continuously in satisfactory and effective operating order by the owner at his expense and shall be subject to periodic inspections by EHRWSD to determine that such facilities are being operated in conformance with applicable Federal, State and Local laws and permits. The owner shall maintain operating records and shall submit to EHRWSD a monthly summary report of the character of the influent and effluent to show the performance of the treatment facilities and for comparison against EHRWSD monitoring records.
- 3.44. Unpolluted water from air conditioners, cooling, condensing systems or swimming pools, shall be discharged to a storm sewer where it is available. Where a storm sewer is not available, discharge may be to a natural outlet approved by EHRWSD and by the State of Ohio. Where a storm sewer or natural sewer is not available, such unpolluted water may be discharged to a sanitary sewer by obtaining a written approval from EHRWSD.
- 3.45. Industrial cooling water, which may be polluted with insoluble oils or grease or suspended solids, shall be pretreated for removal of pollutants and the resultant clear water shall be discharged in accordance with the above paragraph.
- 3.46. EHRWSD may require users of the sewage works to supply pertinent information on wastewater flows characteristics. Such measurements test and analysis shall be made at the users' expense. If made

by EHRWSD, an appropriate charge may be assessed to the user at the option of EHRWSD.

- 3.47. The strength of wastewater shall be determined, for periodic establishment of charges provided for in the Sewer Rate RESOLUTION, from samples taken at the aforementioned structure at any period of time and of such duration and in such manner as EHRWSD may elect, or at any place mutually agreed upon between the user and EHRWSD. Appropriate charges for sampling and analysis may be assessed to the user at the option of EHRWSD. The results of routine sampling and analysis by the user may also be used for determination of charges after verification by EHRWSD.
- 3.48. Users of the sewage works shall immediately notify the General Manager, or his representative, of any unusual flows or wastes that are discharged, accidentally or otherwise, to the sewer system.
- 3.49. All provisions of this RESOLUTION and limits set herein shall comply with any applicable State and or Federal requirements.
- 3.50. No person shall discharge or cause to be discharged into the sewer any toxic substance as set forth in Section 307(a) (Toxic Pollutants) of the Clean Water Act.
- 3.51. The District shall reserve the right to reject any wastes, in whole or in part, for any reason if determined to be detrimental to, or incompatible with, the collection and/or treatment system or process.
- 3.52. The District shall reserve the right to accept wastes in excess of Normal Domestic Waste concentration levels upon payment of a surcharge to cover the added costs of treating such waste.

#### **4. Billing and Collection of Charges and Rates**

- 4.1. Bills and notices relating to the conduct of the business of the District will be mailed to the customer at the address listed on the application unless a change of address has been filed at the business office of EHRWSD, and the Board shall not otherwise be responsible for delivery of any bill or notice, nor will the customer be excused from non-payment of a bill or from any performance required in said notice.
- 4.2. Bills are due when rendered and delinquent after the fifteenth (15<sup>th</sup>) day of each month.
- 4.3. A penalty of 10% of the current balance will be charged on all bills not paid by the fifteenth (15<sup>th</sup>) day of the month.
  - 4.3.1. .
- 4.4. Failure to receive bills or notices shall not prevent such bills from becoming delinquent nor relieve the customer from payment.
- 4.5. Any customer connected to the public sewer that is not supplied water by EHRWSD shall purchase and install a meter and wye strainer on their well service line for the purpose of calculating sewer charges.
  - 4.5.1. Said meter shall be installed inside the dwelling or building, accessible for inspection and protected from freezing conditions.
  - 4.5.2. One (1) branch tee shall be allowed in the well service line, inside the dwelling or building and located before the meter in order to provide water to an outside spigot that is to be used solely for outside purposes and not discharged into the public sewer system.
  - 4.5.3. An additional meter and wye strainer may be purchased and installed inside the dwelling or building for the purpose of deducting the outside usage from the total usage for the

purposes of calculating monthly sewer usage charges.

- 4.6. Any customer connected to the public sewer that is not supplied water by EHRWSD and has not installed a meter on their well service line must pay a Failure to Install Well Meter for Sewer Service Billing Purposes charge according to the Schedule of Rates and Fees, in addition to the Sewer Facility Charge. This charge shall be billed until the meter and wye strainer have been installed by the customer and inspected by EHRWSD.
- 4.7. EHRWSD shall make all reasonable efforts to eliminate interruption of service and when such interruption occurs, shall endeavor to re-establish service with the shortest possible delay. Whenever the service is interrupted for purpose of working on the collection system or the treatment equipment, all customers affected by such interruption shall be notified in advance whenever it is possible to do so.
- 4.8. Any past due account may be certified to the county auditor for special assessment in September of each year. EHRWSD may remove sanitary sewer service if any charges, including penalties, remain unpaid.

## **5. Sewer Extensions**

- 5.1. Sewer main extensions may be made by the Board provided that the prospects in the judgment of the Board are that the patronage or demand for sewage service will be sufficient or result in clear benefit to the community and will be of such permanency as to warrant the capital expenditure involved.
- 5.2. The Board may accept the offer of any developer to construct at his or their sole cost and expense and to donate to EHRWSD any sewer main extensions upon the following conditions and in the following numerical order:
  - 5.2.1. That detailed plans and specifications for said construction project be submitted to EHRWSD for approval and to all other necessary regulatory agencies for approval. Written proof of approval of all necessary regulatory agencies must be given to EHRWSD and approval of EHRWSD obtained prior to commencement of construction.
  - 5.2.2. That EHRWSD be notified in writing, prior to commencement of construction and that EHRWSD be afforded the opportunity at all times to inspect the project during construction.
  - 5.2.3. That upon completion of construction of such project, a certificate be filed with EHRWSD by an Ohio registered engineer certifying that said project shall have been constructed in accordance with the plans and specifications theretofore filed with EHRWSD.
  - 5.2.4. That a written tender of donation of said sewer main extensions be presented to the Board, together with a Performance Bond of the contractor in such amount and with such sureties acceptable to EHRWSD indemnifying and protecting EHRWSD against imperfections in material, equipment, and workmanship which may become apparent during the period of one year subsequent to the date of presentation of such tender and acceptance by EHRWSD, and further providing that the donor shall, at his or its expense, remove and replace in whole or in part any such work, material, and equipment which may prove defective or unsuitable for the service performed or to be performed and/or which may show unreasonable deterioration within said period upon the written demand and to the full satisfaction of EHRWSD.
- 5.3. In case a developer shall offer to construct, at the developer's sole cost and expense and to donate to EHRWSD any sewer main extensions necessary to serve the proposed customer or customers as described herein, but EHRWSD's extension plans require a larger main than required for the developer's main extension, EHRWSD may enter into a purchase agreement with the proposed donor or donors to purchase the oversized main, provided that the purchase price shall not be paid in whole,

or in part until said construction shall have been fully completed and accepted by EHRWSD under the same terms and conditions described in Section 5.2 above, as if said sewer main were a fully donated sewer.

- 5.4. The purchase price shall not exceed the difference in cost between the larger pipe size installed and the pipe size required to provide the service. Any costs to EHRWSD referred to in this paragraph may be determined from actual bids received by EHRWSD or may be computed by applying the actual average costs (not reflecting unusual costs incident to special construction) experienced by EHRWSD during the preceding 12 month period plus or minus any amount necessary to adjust for known cost increases or decreases, respectively.
- 5.5. Required Connection with Sewage System
  - 5.5.1. EHRWSD shall take all actions or proceedings necessary and proper to require connection to the EHRWSD sewage system of all property within the District after the effective date of this RESOLUTION, where sewage is discharged for any and all purposes except as provided in Section 5.5.2.
  - 5.5.2. In the event EHRWSD deems it inadvisable to extend sewer mains to the real estate upon which such construction is started as described above, because of the cost of such extension in relation to the revenue anticipated to be received from customers to be served thereby, the provisions of Section 5.5 will not apply. However, it shall be the intent of this RESOLUTION, insofar as possible, to cause all such property to be connected with the EHRWSD sewer system.
  - 5.5.3. In the event such additional wastes will cause an overloaded condition to the treatment system whereby the treatment system shall not be able to properly treat the wastes of the District, then said additional wastes shall not be allowed to enter the system until such time that provision for their proper treatment has been made.

## **6. Penalties**

- 6.1. Any person found violating any provision of this RESOLUTION shall be served by EHRWSD with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- 6.2. EHRWSD will enforce by mandamus, injunction, or other legal remedy these rules and regulations, and will remove any harmful or improper construction or obstruction or will close any opening or connection made improperly or in violation of these rules and regulations, under authority provided in the Ohio Revised Code.
- 6.3. Any person violating any of the provisions of this RESOLUTION shall become liable to EHRWSD for any expense, loss, or damage occasioned EHRWSD or downstream users by reason of such violation.
- 6.4. EHRWSD shall have full power to invoke any authorized legal, equitable or special remedy for the enforcement of this RESOLUTION.
- 6.5. EHRWSD shall have full power to invoke immediate actions to correct any condition which presents an immediate threat to the health, safety or welfare of EHRWSD employees or users of the wastewater collection and treatment systems.

## **7. Severability and Repealing Conflicting Resolutions**

- 7.1. If any provision, paragraph, word, section or article of this RESOLUTION is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, word, sections and chapters shall not be affected and shall continue in full force and effect.
- 7.2. All other RESOLUTION'S or parts of other RESOLUTION'S inconsistent or conflicting with any part of this RESOLUTION are hereby repealed to the extent of such inconsistency or conflict.

**8. Effective Date**

- 8.1. This RESOLUTION shall be in full force and effect from and after its passage, approval, and publication according to the Laws of the State of Ohio.

Passed and adopted by the Board of the Earnhart Hill Regional Water and Sewer District, Circleville, Ohio, on this 3rd day of June, 2010.