

**URBANA CITY COUNCIL
REGULAR SESSION MEETING AGENDA
TUESDAY, DECEMBER 3, 2019, AT 6:00 P.M.**

(The UCC Regular Session Meeting will be held in Council Chambers in the Municipal Building)

Call to Order

Roll Call

Pledge of Allegiance

UPD Civilian Service Award – Chief Matt Lingrell presents to Randy and Terra Fraley

Approval of Minutes

Urbana City Council Regular Session Meeting Minutes of November 19, 2019.

Communications

1. Charter Review Committee Meeting Minutes of November 13, 2019, in addition to November 20, 2019. (See attached)
2. Shade Tree Commission Minutes of October 10, 2019. (See attached)
3. Letter from Champaign County Commissioners regarding Public Defender – In Court Fees – Increased. (See attached)
4. Oak Dale Cemetery Board Meeting Minutes of September 19, 2019. (See attached)
5. Proposed City Council meeting schedule for calendar year 2020. (See attached)

Board of Control

Citizen Comments

Ordinances and Resolutions

First Reading

Ordinance No. 4516-19

An Ordinance repealing and replacing Chapter 935 of the City of Urbana Codified Ordinances, Industrial Pretreatment, to comply with the requirements of the Ohio EPA, and declaring an emergency. (Requires three readings)

Resolution No. 2568-19

A Resolution authorizing the transfer of an approved tax abatement at 1958 E. St. Rt. 36, Urbana, Ohio, within an Enterprise Zone Area (EZ) from “Urbana MOB LLC” to “Columbus Urbana, LLC” upon transfer of title. (May be passed on first reading)

Second Reading**Ordinance No. 4515-19**

An Ordinance repealing Section 549.01 and Chapter 761 of the City of Urbana Codified Ordinances, and amending Chapter 301, 375, and 505 and in particular Sections 301.12, 375.03(a) and 505.11, of the City of Urbana Codified Ordinances, relating to the ownership, possession, purchase, other acquisition, transport, storage, carrying, sale, other transfer, manufacture, taxation, keeping, and reporting of loss or theft of firearms, their components, and their ammunition, and declaring an emergency. (Requires three readings)

Third Reading**Resolution No. 2433-19**

A Resolution to appropriate money for the several objects and purposes which the City of Urbana, Ohio must provide for the fiscal year ending December 31, 2020. (Requires three readings)

Miscellaneous Business**Adjourn**

Work Session

1. Revitalization District Recap

**URBANA CITY COUNCIL
REGULAR SESSION MEETING
TUESDAY, NOVEMBER 19, 2019**

President Hess called the City of Urbana Regular Session Meeting to order at 6:00 p.m. City staff attending: Director of Administration Kerry Brugger, Director of Finance Chris Boettcher, and Director of Law Mark Feinstein.

PRESIDENT CALLED ROLL: Mr. Fields, present; Mr. Hoffman, present; Mr. Scott, present; Mr. Thackery, present; Mr. McKee, absent; and Mr. Piper, absent.

MINUTES of the Regular Session Meeting Minutes of November 12, 2019 were presented for approval. Mr. Thackery moved for the approval of said minutes and Mr. Paul seconded. Voice vote on approval: all ayes, nays, none.
Motion passed 6-0.

COMMUNICATIONS

ADMINISTRATIVE REPORTS – BOARD OF CONTROL

*****Purchase Orders \$2,501.00 - \$50,000.00 for October, 2019*****

CITIZEN COMMENTS

None

Ordinances and Resolutions

First Reading

Ordinance No. 4515-19

An Ordinance repealing Section 549.01 and Chapter 761 of the City of Urbana Codified Ordinances, and amending Chapter 301, 375, and 505 and in particular Section 301.12, 375.03(a) and 505.11, of the City of Urbana Codified Ordinances, relating to the ownership, possession, purchase, other acquisition, transport, storage, carrying, sale, other transfer, manufacture, taxation, keeping, and reporting of loss or theft of firearms, their components, and their ammunition, and declaring an emergency. (Requires three readings)

Mr. Feinstein stated that on December 28, 2019, a change to the ORC will go into effect regarding gun laws. He stated that presently, this new change has not been challenged yet it is the general consensus that this will ultimately be going away. He added that civil penalties have been put into place and by making these changes, the City would be following State law and by making these changes, we are protecting ourselves from liability. He also stated that it effects 549.01 in its entirety, Chapter 761 is repealed and the rest are amended. He also added that it really does not change much of anything. Mr.

Brugger asked if there was a House Bill that was attached to this change and Mr. Feinstein stated there was and would get that to him. Mr. Feinstein added that the City had to let the Revised Code govern.

President Hess declared this ordinance to have its first reading.

Second Reading –

Resolution No. 2433-19

A Resolution to appropriate money for the several objects and purposes which the City of Urbana, Ohio must provide for the fiscal year ending December 31, 2020. (Requires three readings)

Ms. Boettcher began by stating there was approximately \$37,000.00 of unappropriated funds for 2020. She added that a few projects would be happening in 2020, such as the Bon Air Project, and the Phase 2 Water Main Projects, to name a few. Additionally, 2020 would see the early stages of the South High Street Corridor Project as well. She also stated that there would be \$350,000.00 for Road Maintenance for next year as well. Mr. Paul stated that nothing seems to be coming off of the books for a long time but would love to see some of these items in the budget go away. President Hess asked the question of who covers the costs for advertisement for the Charter Amendments. Mr. Paul stated that this would have to be re-appropriated somewhere. President Hess inquired as to gas line money and what kind of interest is the City getting off of that. Ms. Boettcher stated that this is associated with the mortgage loan for Sarica on Twain Ave. She stated that the monies are in CD's locally, in a Supplemental Investment Fund.

President Hess declared this Resolution to have its second reading.

Third Reading –

Resolution No. 2566-19

Resolution approving the 2019 Champaign County, Ohio Hazard Mitigation Plan. (Requires three readings)

Mr. Brugger stated that the County Commissions had recently approved this as well as FEMA, now it goes back to the Villages and Municipalities for approval.

President Hess called for a roll call for passage.

Mr. Thackery called a point of order for that in needed to be put on the floor. Mr. Thackery moved to put this Resolution on the floor for further discussion and possible passage. Mr. McKee seconded.

President Hess called for a roll call for passage: Mr. Hoffman, yes; Mr. Paul, yes; Mr. Scott, yes; Mr. Thackery, yes; and Mr. McKee, yes;

Resolution passes 6-0.

MISCELLANEOUS BUSINESS/WORK SESSION

Mr. Fields stated that there still were a lot of leaves in yards and reminded people to get them out so the City could pick them up.

Mr. Thackery stated the Roundabout looks really nice and he is hearing a lot of positives about it. He also stated that they were still working on the issue of parking for the downtown area and that Coffee with Council was still ongoing.

Mr. McKee apologized to everyone for missing the last meeting, for he was traveling.

Mr. Brugger stated that the leaf pick up is ongoing and that they were working on the third trip through town. He also stated the last pick up would be December 2, 2019. He also stated that the Compost would be closing December 7, 2019 for the season. He spoke of the upcoming Tree Ordinance and stated it would be before Council shortly. He also mentioned that there were a handful of items that still must be completed for the Roundabout.

Mr. Paul moved to excuse Council member Ray Piper. Mr. McKee seconded. Voice vote on approval: all ayes, nays, none.

Motion passes 6-0.

President Hess spoke of the Roundabout and asked why the abundance of signs? Mr. Brugger advised they put out what ODOT requires.

Mr. Fields moved to adjourn and Mr. Paul seconded. Voice vote on approval: all ayes, nays none.

Motion passes 6-0.

ADJOURN AT 6:40 p.m.

NEXT SCHEDULED MEETING

December 3, 2019, at 6:00 p.m.

Council Clerk

Council President

**CITY OF URBANA
CHARTER REVIEW COMMITTEE MEETING MINUTES
NOVEMBER 13, 2019**

Committee members in attendance were Stephanie Truelove, Earl Evans, Kim Brooks, Michelle Hefflin, Justin Weller, Patrick Trenor and Cassie Cress. Director of Administration, Kerry Brugger was also in attendance.

Mr. Feinstein initially spoke about the Director of Administration's role as purchasing agent for the City. Mr. Brugger spoke of his duties on the Board of Control. He added that there is a quorum with two. Mr. Feinstein spoke of the Board of Control, which consists of the Mayor, Director of Administration and the Director of Finance. He then read Section 4.06 (d) of the Charter:

There shall be a Board of Control consisting of the Mayor, Director of Administration and Director of Finance. The board of Control shall award all contracts on behalf of the City, except as otherwise provided under this Charter. The council shall by ordinance or resolution prescribe the regulations and procedures to be followed by the board of Control in awarding contracts, including the conditions and circumstances, and exceptions thereto, when competitive bidding shall be required, as well as the procedures to be followed when competitive bidding is required. In the absence of Council action in prescribing the regulations and procedures, the Board shall formulate its own regulations and procedures by written rule until the Council shall adopt an ordinance or resolution prescribing the regulations and procedures to be followed by the Board. The Board may, in addition to the regulations and procedures adopt written rules concerning purchasing and the award of contracts to the extent such rules do not conflict with this Charter or ordinances or resolutions adopted by the Council. The Council shall authorize the issuance of all bonds, notes, or certificates of indebtedness to be issued by the City by ordinance or resolution. The Mayor and the Director of Finance shall sign such bonds, notes and certificates on behalf of the City, and the approval of the Board of Control shall not be required.

Mr. Feinstein also stated that the City must go to Council for approval on purchases over \$50,000.00. Mr. Brugger stated that the Board of Control meets Wednesday prior to a Council meeting, at 3:00 p.m.

Mr. Feinstein spoke further of the Director of Administration's duties:

- He/she is appointed by the mayor based on demonstrated competence in public, commercial, organizational or industrial administration
- Responsible to the Mayor for supervision of all City administrative divisions except law and finance.

- Serves as “purchasing agent” (subject to the control and supervision of the Board of Control), and the personnel officer for all departments of the City.
- Participates in yearly budget, appropriations ordinances and as other director if asked by the Mayor (not Law or Finance)
- Mayor can appoint acting Director in his/her absence.

It was discussed and decided by all that the structure of this position was fine and that it should be left alone.

Ms. Brooks asked if the Director of Administration had to be approved by Council. Mr. Brugger advised that only the Law Director and Finance Director are approved by Council.

The discussion arose that if the Law Director and Finance director have to be confirmed by Council for hire, they should have to be confirmed for termination by Council as well.

Mr. Feinstein then spoke about the Director of Law. He states that in the ORC, in Section 733.51, Powers and duties of City Director of Law stated:

The City Director of Law shall prepare all contracts, bonds, and other instruments in writing in which the City is concerned, and shall serve the several Directors and Officers provided in Title VII (7) of the Revised Code as legal counsel and attorney.

The Director of Law shall be a Prosecuting Attorney of the Mayor’s Court. When the legislative authority of the City allows assistants to the Director of Law, he may designate the assistants to act as Prosecuting Attorneys of the Mayor’s Court. The person designated shall be subject to the approval of the legislative authority.

He further states Section 733.53, Duties as to Suits (per the ORC) states:

The City Director of law, when required to do so by resolution of the legislative authority of the City, shall prosecute or defend on behalf of the City, all complaints, suits, and controversies in which the City is a party, and such other suits, matter, and controversies as he is, by resolution or ordinance, directed to prosecute. He shall not be required to prosecute any action before the Mayor of the City for the violation of an ordinance without first advising such action.

Further, Section 733.54, City Director of Law Shall Give Opinions (per the ORC):

When an officer of a City entertains doubts concerning the law in any matter before him in his official capacity, and desires the opinion of the City Director of Law, he shall clearly state

to the Director of Law, in writing, the question upon which the opinion is desired, and thereupon the Director of Law shall, within a reasonable time, reply orally or in writing to such inquiry.

Mr. Feinstein stated that his role includes being the “watch dog” for the City. He is not really administration and that 733.56 Application for injunction states that the Village Solicitor or City Director of Law shall apply, in the name of the municipal corporation, to a Court of competent jurisdiction for an order of injunction to restrain the misapplication of funds of the municipal corporation, the abuse of its corporate powers, or the execution or performance of any contract made in behalf of the municipal corporation in contravention of the laws or ordinance(s) govern it, or which was procured by fraud or corruption. He continued with ORC 733.57 Specific performance: When an obligation or contract made on behalf of a municipal corporation, granting a right or easement or creating a public duty, is being evaded or violated, the Village Solicitor or City Director of Law shall apply for the forfeiture or the specific performance thereof as the nature of the case requires. ORC 733.58 states that in case an office or board of a municipal corporation fails to perform any duty expressly enjoined by law or ordinance, the Village Solicitor or City Director of Law shall apply to a Court of competent jurisdiction for a writ of mandamus to compel the performance of the duty. His responsibility is to report it and enforce it.

Mr. Feinstein continued by explaining his additional duties as Law Director:

- Appointed by the Mayor, confirmed by Council
- Admitted to the practice of law
- Serves as legal counsel to Council and Administration
- Duties = assigned by general laws (733.51 of the ORC as seen above)
- Administration? Appointed by Mayor, one of the 3 Directors, but see above.
- All but Counsel for the Urbana Board of Education
- Mayor can appoint an acting Director of Law

It was discussed and decided by all that the structure of this position was fine and that it should be left alone.

Mr. Feinstein then began speaking about the Director of Finance’s position:

- Appointed by the Mayor, confirmed by Council
- Based on competence demonstrated by experience, education or both
- Chief fiscal officer (collect taxes, assessments and monies due; disburse fund as authorized and select depositories)
- Maintain efficient accounting system, etc.
- All duties, etc. imposed upon City auditors and treasurers

- Investment authority
- Report financials to Council
- Assist the Mayor in preparing the yearly budget, appropriations ordinances and statements of anticipated income, and any other duties assigned by the Mayor
- Mayor may designate an acting Director of Finance.

It was discussed and decided by all that the structure of this position was fine and that it should be left alone.

Mr. Feinstein began speaking about the next section, 4.04 City Departments:

- Administrative Branch = Departments of Administration, Law and Finance
- Divisions within the Administrative Department are: Public Works, Parks and Recreation, Cemetery, Engineering, Fire, Police, Community Development, Municipal Airport, and other as per 4.07.
- Law and Finance Directors any form division/subunits (prior approval of the Mayor)

Mr. Feinstein then spoke about Section 4.07 – Administrative Reorganization. Discussion was held regarding the possibility of forming a Salary/Compensation Commission, which would be an independent body charged with the task of setting/modifying the salary of the Mayor and members of City Council. He stated that this would be discussed at the next meeting and should the Committee desire to have one meeting set aside for discussion of the same, he would be more than willing to do so.

Mr. Feinstein continued with speaking of the format for the changes to the Charter for the ballot. Ms. Cress stated that the items should be categorized. She also stated that the public shouldn't have to vote on the clean-up, such as misspellings, etc.

Some discussion was held as to legal advertising for the ballot language. Mr. Feinstein stated this is a category that needed to be addressed in future meetings.

MEETING ADJOURNED – 7:01 p.m.

Next Meeting: November 20, 2019, at 6:00 p.m.

****Should you not be able to attend the meeting, please let us know****

Thank You!!!!
TO THE BALLOT – OF SUBSTANCE

Mandatory OMA Training for new Council Members
Requirement that (most) legislation be sponsored
Upon vacancy in Council seat, remains open until next general election
In the event of vacancy of Mayor, Council President fills until next election, not for duration of Mayor's term
President of Council to enforce Council Rules
Dormant period for failed legislation
Adding a Definition Section
Striking Section 2.21 Term Limits from the Charter
Adding the formation of a Salary Commission for Elected Officials
Mayoral Candidates must reside in the City at least two years prior to election
Termination of the Director of Finance and/or the Director of Law must be confirmed by Council
Vacancy of the office of Mayor, President of Council shall succeed until next general election.
Salary Commission formation
The position of the Mayor is considered a full-time position.

TO THE BALLOT – “CLEAN UP”

Removal of: “Council shall pass no ordinance or resolution which adopts a position contrary to a recommendation of the Planning Commission, made within the scope of its authority, except by a vote of majority.” (Section 2.09)

Removal of: “Council may enact ordinances that supersede state statutory provision with respect to acquisition and disposition of property upon a majority affirmative vote.” (Section 2.09)

Removal of: “unless any Council member requests the Clerk to read the Ordinance or Resolution in its entirety.” (Section 2.10)

Removal of: “Each emergency ordinance or resolution shall require the affirmative vote of at least two-thirds (2/3) of the members elected to Council for its enactment. If such emergency ordinance or resolution fails to receive the requisite two-thirds (2/3) affirmative vote, but receives the necessary majority for passage as a non-emergency ordinance or resolution, it shall take effect as a non-emergency ordinance or resolution.” (Section 2.11)

Removal of: “The failure or refusal of such officers to sign such ordinances or resolutions shall not invalidate an ordinance or resolution.” (Section 2.14)

Removal of: “or for improvements petitioned for by the owners of a majority of the adjacent property to be benefitted and especially assed therefore, unless a later date be specified therein.” (Section 2.15)

Adding: d to the end of an (and) in first paragraph ...”Legislation enacted and announce...” (Section 2.17)

Adding: and/or digital to”In a newspaper of general circulation and/or digital only once upon adoption for a legislation..... (Section 2.17)

**CITY OF URBANA
CHARTER REVIEW COMMITTEE MEETING MINUTES
NOVEMBER 20, 2019**

Committee members in attendance were Stephanie Truelove, Michelle Hefflin, Justin Weller, Patrick Trenor, Audra Bean and Amy Paul.

Mr. Feinstein began the meeting by discussing Section 4.05 – Directors of Departments. He stated that this section basically states that it gives complete control to department directors to control/supervise their employees and the work of the departments, subject to Civil Service (if applicable) Also, it states that one month's severance pay in addition allowances due, unless terminated for cause (determined by uniform rule) to any other compensation). Discussion came about on the topic of severance pay. Mrs. Hefflin stated that she felt the language should be stricken from the Charter. Mr. Troyer stated that it gives the employee time to find another job. Mrs. Bean said that she felt that the issue should be between the employer and employee. It was further discussed and agreed upon that the language be stricken from the Charter.

Mr. Feinstein continued with Section 4.06 – Boards and Commissions:

Charter creates and populates the Boards and Commissions

- a) Parks and Recreation Board, 5 members, one appointed by the Board of Education, the rest by the Mayor. Director of Administration confers with PR Board to appoint Superintendent; then Superintendent confers with PR Board on all matters. Powers, duties and functions are purely advisory (meaning they can't really do anything)
- b) Planning Commission, 7 members, including the Mayor, Director of Administration, and a member of the PR Board. Other 4 – Mayor Appointees, one from each Ward. Power by the Charter and Ordinances.
- c) Building and Zoning Appeals (BZA), 5 members including President of Council, and 4 Mayor Appointees, one from each Ward. Power by the Charter and Ordinances; specific authority to Council to require super majority when it deems necessary.
- d) Board of Control, Mayor, Director of Administration and Director of Finance. Awards contracts (within the rules set by Council) Mr. Feinstein added that although the Director of Administration is the Purchasing Agent for the City, it is Council that makes the decision of yes or no.
- e) Design Review Board, 7 members, one from the Planning Commission, and other 6 Mayor Appointees (no Ward requirements) Reviews applications for development, redevelopment or alterations in any Overlay District as established by zoning/planning Ordinances. Power by Charter and Ordinances. Mr. Troyer stated that he is a member of the Design Review Board and they only review for the Historic

District, not any Overlay District. Discussion came about on this issue and it was agreed upon to leave the language as it reads.

- f) Board of Nuisance Appeals, 3 members, Mayor Appointees, no Ward requirements. Hears appeals from Director of Administration's determination that a nuisance exists. Power from Charter, Ordinances and State Law. Mrs. Hefflin asked how this process works. Mr. Feinstein explained that should there be a nuisance violation, contact the Zoning Department and if the issue is a health issue, that is a health department issue.
- g) Any other boards and commissions currently in effect continue in effect under whatever rules apply to them
- h) All members not serving in ex officio (By virtue of holding another office) must be electors of the City, must serve without pay, shall not be employed by the City, and may be removed for cause by Council.
- i) "Housekeeping"
Organize at first meeting each year, electing chairperson, vice chair, secretary; respective responsibilities. Take action by Motion, majority; quorum requirements. Adopt its own rules (not contrary to the Charter or Ordinances)
- j) Vacancies filled in any board or commission for the unexpired term of the vacating member; rules for alternates.

Mr. Feinstein continued with 4.07 – Administrative Reorganization

Mr. Feinstein stated that this all lies in the power of Mayor and then it goes to Council.

Mr. Feinstein then began a discussion on Compensation Commission. He stated that he spoke to his friend who is a retired Law Director of Wooster, and they have a Compensation Commission in Wooster. The Commission's responsibility is to review the job of the Mayor, Council Members and the Clerk of Council, and make recommendations for their wages. This is a fundamental advantage due to the fact that it takes all of the politics out of it. Mr. Feinstein continued by advising that in Sidney, there are five registered electors appointed by the Mayor for a five year term. Their Commission also has the authority to meet at its discretion for they set their own rules.

Mrs. Hefflin stated that she felt that the Compensation Commission is a good idea and that she feel our Mayor is very much underpaid. More discussion transpired and it was agreed upon that this would be a topic at an upcoming meeting.

Mr. Feinstein stated that questions keep coming up at Council Meetings about how the changes to the Charter get paid. He further stated that back in 2016. The cost of this action was approximately \$1,600.00 and it came out of the Council's budget, as advertising. He also added that everyone should consider what is truly needed on the ballot. Discussion on how to put the changes on the ballot. Ms. Truelove stated that a phone call should be made to Meredith at the

Board of Elections to see what is the best way to do the changes. Mr. Feinstein said that there is some art to this and a lot of science and a lot of it is a wait and see concept. Mr. Weller added that the order could be randomized so that each Ward's ballot could be different. Mr. Feinstein stated that would probably be a necessity.

MEETING ADJOURNED – 7:00 p.m.

Next Meeting: January 22, 2020, at 6:00 p.m.

****Should you not be able to attend the meeting, please let us know****

Thank You!!!!

TO THE BALLOT – OF SUBSTANCE

Mandatory OMA Training for new Council Members
Requirement that (most) legislation be sponsored
Upon vacancy in Council seat, remains open until next general election
In the event of vacancy of Mayor, Council President fills until next election, not for duration of Mayor's term
President of Council to enforce Council Rules
Dormant period for failed legislation
Adding a Definition Section
Striking Section 2.21 Term Limits from the Charter
Adding the formation of a Salary Commission for Elected Officials
Mayoral Candidates must reside in the City at least two years prior to election
Termination of the Director of Finance and/or the Director of Law must be confirmed by Council
Vacancy of the office of Mayor, President of Council shall succeed until next general election.
Salary Commission formation
The position of the Mayor is considered a full-time position.
Striking all directors of departments shall be entitled to one month severance pay, in Section 4.05

TO THE BALLOT – “CLEAN UP”

Removal of: "Council shall pass no ordinance or resolution which adopts a position contrary to a recommendation of the Planning Commission, made within the scope of its authority, except by a vote of majority." (Section 2.09)

Removal of: "Council may enact ordinances that supersede state statutory provision with respect to acquisition and disposition of property upon a majority affirmative vote." (Section 2.09)

Removal of: "unless any Council member requests the Clerk to read the Ordinance or Resolution in its entirety." (Section 2.10)

Removal of: "Each emergency ordinance or resolution shall require the affirmative vote of at least two-thirds (2/3) of the members elected to Council for its enactment. If such emergency ordinance or resolution fails to receive the requisite two-thirds (2/3) affirmative vote, but receives the necessary majority for passage as a non-emergency ordinance or resolution, it shall take effect as a non-emergency ordinance or resolution." (Section 2.11)

Removal of: "The failure or refusal of such officers to sign such ordinances or resolutions shall not invalidate an ordinance or resolution." (Section 2.14)

Removal of: "or for improvements petitioned for by the owners of a majority of the adjacent property to be benefitted and especially assed therefore, unless a later date be specified therein." (Section 2.15)

Adding: d to the end of an (and) in first paragraph"Legislation enacted and announce..." (Section 2.17)

Adding: and/or digital to "In a newspaper of general circulation and/or digital only once upon adoption for a legislation..... (Section 2.17)

City of Urbana Shade Tree Commission Minutes – October 10, 2019 at 7:00PM (154)

Roll Call and Introductions:

Present: Doug Crabill, Ward Lutz, Jim Lemon, John Kussman, and Colin Stein

Absent: Earl Cottrill

Reading and Approval of Minutes (7/18/2019) & (9/12/2019)

John Kussman made a motion to approve the meeting minutes from 7/18/2019 and 9/12/2019 as prepared. Ward Lutz seconded the motion. All members in attendance voted (5-0) in favor of approving the minutes as prepared.

Old Business:

Possible Changes to Chapter 905 (Trees): During this meeting, members of the commission continued to review the most recent draft of the tree ordinance update. Jim Lemon shared information about a methodology that had been developed by Purdue University for determining the value of trees that may be cut down without permission, vandalized, damaged, or run over. Colin Stein stated that a tree is an asset in which the value only increases over time as the tree grows and matures. The commission discussed whether such a methodology should be outlined in ordinance (statutory) vs. policy, and the commission agreed that an ordinance should outline value recovery in some fashion, but the exact method for determining value would be a policy vs. ordinance. Doug Crabill shared that the tree ordinance update should start to move through the legislative process in November.

Tree & Stump Removal Update: Colin Stein reported that a city contractor had completed all of the planned tree removals, including the completion of stump grinding and the removal of the grindings. He further reported that future tree inventory efforts will be used to determine future tree removals, but this year's removal effort will have significantly reduced the trees requiring removal.

Maintenance and Trimming Projects: Doug Crabill reported that additional tree trimming work will be required citywide during the winter months as weather permits.

Memorial Tree Program Update: Doug Crabill reported that nine orders were received for this year's program, and he stated the orders were split evenly between Oakdale Cemetery and Melvin Miller Park. He also mentioned the goal to plant additional trees at Oakdale Cemetery this fall from the funds donated by the estate of Karen Kerns Dresser.

Oakdale Cemetery-Arboretum Update: Doug Crabill again reported that his first focus was to get the tree ordinance revision completed before continuing work on the ArbNet application.

Arbor Day 2019-Urbana Elementary School: Doug Crabill reported that a tree planting ceremony was being planned at the new PreK-8 school in observance of Arbor Day, and he was waiting to confirm delivery of the trees to be planted at the school this fall by the Urbana Rotary Club.

-Karen Kerns Dresser Tree Funding-Fall 2019 Plantings: Doug Crabill reported that Kerry Brugger and Bob Jumper were working to determine tree planting locations. In addition, he shared that an additional ten trees will be planted this fall.

New Business:

Bareroot-Spring 2020 Tree Order: Doug Crabill reported that he has had a difficulty making contact with Bailey Nurseries (Carlton Plants) this year. He will continue to try to make contact.

Misc. Business: None.

Meeting adjourned. Motion to adjourn, Jim Lemon; Ward Lutz, second; all in favor (5-0).

Champaign County Commissioners

COMMISSIONERS

DAVID E. FAULKNER
BOB E. CORBETT
STEVEN R. HESS



CLERK/ADMINISTRATOR

ANDREA MILLICE

1512 SOUTH U.S. HIGHWAY 68

SUITE A100

URBANA, OHIO 43078

(937) 484-1611

RECEPTIONIST/BOOKKEEPER

ROBIN FERRYMAN

NATALIE RANDELL

November 22, 2019

PUBLIC DEFENDER – IN COURT FEES – INCREASED

THE BOARD OF COMMISSIONERS of Champaign County met in regular session on November 19, 2019, with the following present:

Dave Faulkner
Bob Corbett
Steve Hess

Mr. Corbett moved the Board increase the current rate of in-court public defender fees from \$60.00 per hour to \$65.00 per hour effective January 1, 2020. Out-of-court public defender fees will remain at \$50.00 per hour. Rates were reevaluated at the request of the Champaign County Bar Association.

Mr. Hess seconded the motion and the result of the vote was:

Mr. Faulkner, yes; Mr. Corbett, yes; Mr. Hess, yes.

I, Andrea Millice, Clerk/Administrator of the Board of Commissioners of Champaign County, certify this to be a true and correct statement as taken from the minutes of the Commissioners Journal, Volume 63, under the date of November 19, 2019.

Andrea Millice, Clerk/Administrator
Board of Commissioners
Champaign County, Ohio

cc: Office of the Ohio Public Defender
Champaign County Bar Association
Champaign County Auditor
Champaign County Common Pleas Court
Champaign County Family Court
Champaign County Municipal Court
Champaign County Municipalities

Oak Dale Cemetery Board
Board Meeting Minutes September 19, 2019 3:00pm

COPY

Board Members:

Present: Lynn Reich, Bill Edwards, Tonya Barrett, Jo Frasure

Others Present: Bob Jumper, Kerry Brugger

Bill Edwards called the meeting to order at 3:00pm.

Minutes were reviewed from the July meeting. Lynn Reich made a motion to approve the minutes. Tonya Barrett seconded the motion and it was unanimously approved.

New Business: None

Old Business

Committee Updates:

- Bill Edwards gave an update on Cemetery Tours with John Bry. The tour will be Saturday October 19th. He has secured a room for John at the Scioto Inn. Tonya Barrett thanked Linda Anderson Smith for making the flyer for the cemetery tour. Everyone agreed the flyers look great and will help generate buzz for the tour. Flyers and rack cards were passed out to Board Members to distribute throughout the community. Tonya is having banners made. Lynn Reich will be going to the library to have yard signs made. Will need volunteers for information table and parking. Wayne Smith suggested we talk with John regarding National Registry while he is in town.

Misc.

Lynn Reich advised the Board she does not want to continue as a Board member in 2020. She is willing to be an alternate but another Board member will need to be appointed.

Jo Frasure complimented Bob on the trimming of bushes-very impressed he didn't hit anything. Jo questioned trimming of bushes-Bob explained it was due to mowing and safety.

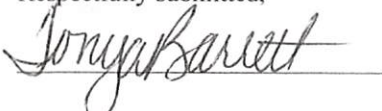
Bob Jumper gave some updates to the Board. Bob advised he is unable to correct the slanting foundation due to lack of equipment. Suggested talking with a monument company regarding repairs. The Board agreed the foundations needed attention but it isn't within the city's scope. Bob gave an update from Wayne Smith regarding the entrance sign. Wayne has offered to clean the sign but will need access to water. Wayne will coordinate with Bob a day/time to clean the sign. Bob reported 4 trees and stumps were to be removed. Repairs to the garage are complete from the tree falling on it. There will be 8 to 10 trees planted in the fall as part of the Kerns Dresser project. Drainage ditches in the Catholic Section need to have a concrete swell put in. Clay from the City will be giving estimates-this will be a 2020 project. Pa's will be putting out fall flowers September 30th. There were 16 burials.

Kerry Brugger shared an article regarding cremation rates increasing and burial rates decreasing. Sales year to date \$29,000. 70 burials year to date. DAR will be doing Wreaths across America again. There are 1691 Veterans in Oak Dale Cemetery. The goal is to have wreaths for every Veteran.

Motion made by Lynn Reich to adjourn the meeting. The motion was seconded by Jo Frasure and it was unanimously approved.

Meeting adjourned at 3:45 pm Next meeting will be November 21, 2019 at the Cemetery Office.

Respectfully submitted,



Tonya Barrett

To: Urbana City Council
From: Chris Boettcher, Director of Finance
Date: November 27, 2019
Re: Urbana City Council proposed meeting schedule for calendar year 2020

Attached is the proposed 2020 meeting schedule for Urbana City Council (UCC). This reflects the current schedule of conducting the UCC regular session meetings on the first and third Tuesday's of each month at 6:00 p.m. This schedule will not hinder the Finance Department with meeting the mandated deadlines (i.e. Tax Budget July 15th).

Please review the attached calendar.

Calendar for Year 2020 (United States)

January						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	
2:○ 10:○ 17:● 24:●						

February						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
1:○ 9:○ 15:● 23:●						

March						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				
2:○ 9:○ 16:● 24:●						

April						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		
1:○ 7:○ 14:● 22:● 30:○						

May						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						
7:○ 14:● 22:● 29:○						

June						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				
5:○ 13:● 21:● 28:○						

July						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	
5:○ 12:● 20:● 27:○						

August						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					
3:○ 11:● 18:● 25:○						

September						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			
2:○ 10:● 17:● 23:○						

October						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31
1:○ 9:○ 16:● 23:○ 31:○						

November						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					
8:○ 15:● 21:○ 30:○						

December						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		
7:○ 14:● 21:○ 29:○						

Holidays and Observances:

Jan 1	New Year's Day	May 5	Cinco de Mayo	Oct 31	Halloween
Jan 20	Martin Luther King Jr. Day	May 10	Mother's Day	Nov 3	Election Day
Feb 14	Valentine's Day	May 25	Memorial Day	Nov 11	Veterans Day
Feb 17	Presidents' Day (Most regions)	Jun 21	Father's Day	Nov 26	Thanksgiving Day
Mar 17	St. Patrick's Day	Jul 3	'Independence Day' observed	Nov 27	Black Friday
Apr 12	Easter Sunday	Jul 4	Independence Day	Dec 24	Christmas Eve
Apr 13	Easter Monday	Sep 7	Labor Day	Dec 25	Christmas Day
Apr 15	Tax Day	Oct 12	Columbus Day (Most regions)	Dec 31	New Year's Eve

Calendar generated on www.timeanddate.com/calendar

ORDINANCE NO. 4516-19

AN ORDINANCE REPEALING AND REPLACING CHAPTER 935 OF THE CITY OF URBANA CODIFIED ORDINANCES, INDUSTRIAL PRETREATMENT, TO COMPLY WITH THE REQUIREMENTS OF THE OHIO EPA, AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Environment Protection Agency has required additional conditions for the Industrial Pretreatment, and

WHEREAS, as a result the City is in need of repealing Chapter 935 of its Codified Ordinances and replacing a new Chapter 935 to place it in compliance with the Ohio Environmental Protection Agency's requirements, and

WHEREAS, the current Chapter 935 of the City of Urbana Codified Ordinances is attached hereto as Exhibit A and incorporated herein by reference, and

WHEREAS, the new Chapter 935 of the City of Urbana Codified Ordinances is attached hereto as Exhibit B and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF URBANA, STATE OF OHIO:

Section 1: That Chapter 935 of the City of Urbana Codified Ordinances, Industrial Pretreatment is hereby expressly repealed in its entirety and shall be replaced with the new Chapter 935 of the City of Urbana Codified Ordinances, Industrial Pretreatment, designated as Exhibit B, attached.

Section 2: That the new Chapter 935 of the City of Urbana Codified Ordinances, Industrial Pretreatment is hereby adopted in its entirety.

Section 3: That this Ordinance shall be published in accordance with applicable Ohio Law.

Section 4: That in order to fully enact this legislation to comply with the requirements of the Ohio Environmental Protection Agency, and in order to preserve the public health, safety, and welfare of the City of Urbana and its inhabitants, this measure is determined to be an emergency Ordinance, and shall take effect and be in force immediately upon the earliest time allowed by law after its passage.

 President of City Council

Attest: _____

Date: _____

This Ordinance approved by me this _____ day of _____, 2020.

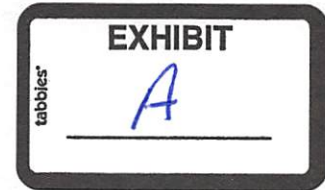
 Mayor

Department requesting: Water Reclamation Facility		Personnel: Chad Hall	Director of Law review <i>William M. B...</i>
Expenditure? Y (N)	Emergency? (Y) N	Public Hearing? Y (N)	
Readings required: 1 2 (3)		If yes, dates advertised:	
First reading date: December 3, 2019	Second reading date: December 17, 2019	Third/Final reading date: January 7, 2020	

Anticipated effective date if approved:

[Print](#)

Urbana, OH Code of Ordinances

**CHAPTER 935
Industrial Pretreatment**

- 935.01 Purpose and policy.
- 935.02 Definitions.

DISCHARGE REGULATIONS

- 935.03 Right to reject wastes.
- 935.04 General discharge prohibitions.
- 935.05 Limitations on wastewater strength.
- 935.06 Pretreatment of wastewater.
- 935.07 Right of City to convert units.
- 935.08 Accidental discharges.
- 935.09 Notification of changes in discharge.

ADMINISTRATION

- 935.10 Wastewater discharge permit application.
- 935.11 Wastewater discharge permit conditions.
- 935.12 Compliance reports.
- 935.13 Compliance schedules.
- 935.14 Monitoring facilities.
- 935.15 Inspection and sampling.
- 935.16 Confidential information.
- 935.17 Records retention.
- 935.18 Reporting requirements for City.

CHARGES AND FEES

- 935.19 Charges and fees.
- 935.20 Surcharges.

ENFORCEMENT

- 935.21 Notification of violation.
- 935.22 Compliance orders.
- 935.23 Emergency suspension of service and discharge permits.
- 935.24 Revocation of permit.
- 935.25 Right of interpretation.
- 935.26 Right of appeal.
- 935.27 Annual publications.

PENALTIES

- 935.28 Recovery of cost incurred by the City.
- 935.29 Administrative fines.
- 935.99 Penalty.

935.01 PURPOSE AND POLICY.

- (a) This chapter sets forth uniform requirements for discharges into the City wastewater collection and treatment system, and enables the City to protect public health in conformity with all applicable local, state and federal laws related thereto.
- (b) The objectives of this chapter are:

- (1) To establish uniform requirements for direct and indirect contributors into the wastewater collection and treatment system.
 - (2) To prevent the introduction of pollutants into the City's wastewater system which will interfere with the normal operation of the system, and pollutants which can not be adequately treated and pass through the system into receiving waters or the atmosphere;
 - (3) To improve the opportunity to recycle and reclaim wastewater and sludge;
 - (4) To ensure worker health and safety;
 - (5) To satisfy state and federal requirements.
- (c) This chapter provides for the regulation of discharges into the City wastewater system and storm water system through the issuance of wastewater discharge permits and the enforcement of administrative regulations. This chapter does not provide for the recovery of operations, maintenance or replacement costs of the water pollution control facility or other costs associated with the construction of collection and treatment systems used by industrial dischargers, in proportion to their use of the water pollution control facility, which are the subject of separate enactments. (Ord. 4005. Passed 4-9-96.)

935.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context specifically indicates otherwise:

"Act"- The Federal Water Pollution Control Act, as amended by the Clean Water Act and the Water Quality Act of 1987 (33 U.S.C.1251 et seq.)

"Applicable pretreatment standard" - Any pretreatment standard or requirement (federal, state and or local), with which users are required to comply.

"Approved POTW pretreatment program" means a program administered by a POTW that meets the criteria established in 40 CFR 403 and section 6111.032 of the revised code and that has been approved by the director in accordance with 40 CFR 403 and section 6111.03 of the Revised Code.

"Authority" (City)- The City of Urbana.

"Authorized representative of industrial user" - A responsible corporate officer, if the industrial user submitting the reports required by the applicable pretreatment standard or requirement is a corporation. For the purpose of this definition, a "responsible corporate officer" means:

- A. A president, secretary, treasurer or 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 the manager:
 1. 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;
 2. Can assure that necessary systems are established or that the necessary actions are taken to gather complete and accurate information for control mechanism requirements; and
 3. Is assigned or delegated the authority to sign documents in accordance with corporate procedures.
- C. A general partner or proprietor if the discharger submitting the reports is a partnership or sole proprietorship, respectively.
- D. A member or manager if the industrial user submitting the report is a limited liability company;
- E. A duly authorized representative of the individual designated above if:
 1. The authorization is made in writing by the individual described above; and
 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharger 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
 3. The written authorization is submitted to the City.
- F. If authorization under paragraph (E) of this definition 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 paragraph (E) of this definition shall be submitted to the City prior to or together with any reports to be signed by an authorized representative.

"Average monthly discharge limitation"- The highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

"Average weekly discharge limitation" - The highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges, measured during a calendar week divided by the number of daily discharges measured during that week.

"Beneficial uses" - Includes, but is not limited to domestic, municipal, agricultural and industrial use, power generation, recreation, aesthetic enjoyment, navigation, the preservation and enhancement of fish, wildlife and other aquatic resources of reserves, and other uses, both tangible and intangible, as specified by state or federal law.

"Best management practices" or "BMP's" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in rule 3745-3-04 of the Administrative Code. BMP's also include treatment requirements, operating procedures, and practice to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

"Board of Control"- Shall be as described in the Charter, Section 4.06(d).

"Bypass" - the intentional diversion of waste streams from any portion of the pretreatment treatment facility.

"Categorical pretreatment standard" - means any standard, including national categorical pretreatment standards, specifying quantities or concentrations of pollutants or pollutant properties that may be discharged to a POTW by new or existing industrial users in specific industrial categories.

"City" - Refers to the City of Urbana

"Composite sample" - Should contain a minimum of eight (8) discrete samples taken at equal time intervals over the composting period or proportional to the flow rate over the composting period. More than eight (8) discrete samples shall be required where the wastewater loading is highly variable.

"Control Authority"- means the City of Urbana

"Control Mechanism" -an individual or general permit, order, or similar means used to control an industrial user's contribution to a POTW to ensure compliance with applicable pretreatment standards and requirements.

"Director" - means the Director of the Ohio Environmental Protection Agency or his authorized deputy, agent, or representative.

"Discharger" - Same as "industrial user."

"EPA" - Same as "U.S. EPA" or "U.S. Environmental Protection Agency" or "Ohio EPA"

"Easement" - an acquired legal right of the specific use of land owned by others.

"Garbage" - Any solid wastes from the preparation, cooking or dispensing of food and from handling, storage or sale of produce.

"Grab sample"- A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

"Ground (shredded) garbage" - Garbage that is shredded to such a degree that all particles will be carried freely in suspension under the conditions normally prevailing in the sewerage system, with no particle being greater than one-half inch in dimension.

"Indirect discharge" or "discharge" - The introduction of pollutants into the water pollution control facility from a non-domestic source regulated under 307(b), (c) or (d) of the Act.

"Industrial User" or "user" - Any nonresidential user who discharges a sanitary or industrial waste effluent to the water pollution control facility.

"Industrial waste permit" - A permit to deposit or discharge industrial waste into any sanitary sewer as issued by the POTW.

"Influent" - The water, together with any wastes that may be present, flowing into a drain, sewer, receptacle or outlet.

"Industrial Waste" - Any substance resulting from any process of industrial, commercial, governmental and institutional concerns, manufacturing, business, trade, or research, including the development, recovery, or processing of natural resources, or from sources other than those generating waste defined as normal domestic sewage herein.

"Interference"- A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- A. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and,
- B. Therefore is a cause of a violation of any requirement of the POTW's NPDES Permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued.
 1. Section 405 of the act:

2. The Solid Waste Disposal Act (SWDA) 42 U.S.C. 6901 et seq. as amended through July 1, 2006 (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA);
3. The standards for the use and disposal of sewage sludge (40 C.F.R. 503)
4. The Clean Air Act (CAA) 42 U.S.C. 7401 et seq. as amended through July 1, 2006; and
5. The Toxic Substances Control Act (TSCA) 15 U.S.C. 2601 et seq. as amended through July 1, 2006.

"Law Director" - The Director of Law of the City, or his authorized deputy, agent, or representative.

"May" - Is permissible.

"Categorical significant industrial user- Categorical SIU"- An industrial user that:

- A. Is subject to national categorical pretreatment standards,
- B. Any other industrial user that discharges an average of more than 100 gallons per day or more of process categorical wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewaters) to the POTW or that contributes a process wastestream which makes up zero point zero one percent (0.0 1%) or more of the average dry weather hydraulic or organic capacity of the POTW; or
- C. Is found by the City, State or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality or air emissions generated by the system.
- D. The Water/Wastewater Superintendent may at any time, on his own initiative or in response to a petition received from an industrial user, determine that a noncategorical industrial user is not a major significant industrial user if the industrial user has no reasonable potential to adversely affect the POTW's operation or for violating any pretreatment standard or requirement.

"Maximum daily discharge limitations"- The highest allowable daily discharge.

"Significant Industry User- (SIU)"- Industrial user that:

- A. Has a wastewater flow of more than 100 gallons per average working day of industrial wastewater.
- B. Has toxic pollutants in toxic amounts in its wastewater as defined in Section 307 of the Federal Act or state statutes or rules in its wastewater.
- C. Has a process waste stream which makes up more than zero point zero one percent (.01 %) of the average dry weather hydraulic or organic capacity of the POTW.
- D. Is found by the City, State or the U.S. Environmental Protection Agency (EPA) not to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality or air emissions generated by the system.

"NAICS" - the North American Industry Classification System is the standard used by federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing and publishing statistical data related to the U.S. business economy. NAICS was adopted in 1997 to replace the Standard Industrial Classification (SIC) system.

"National categorical pretreatment standard" or "categorical pretreatment standard" - Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 of the Act, and established under 40 CFR chapter I, subchapter N.

"National pollutant discharge elimination system (NPDES) permit"-A permit issued by the State of Ohio EPA or United States EPA pursuant to the Act for the purpose of regulating the discharge of sewage, industrial wastes, and other wastes under the authority of Section 402 of the Act, into the navigable waters of the United States.

"National pretreatment standard" means any regulation of the USEPA, containing pollutant discharge limits promulgated by the 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.

"New Source" -

- A. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(C) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 1. The building, structure, facility or installation is constructed at a site at which no other source is located;

2. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or,
 3. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- B. Construction on site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraph (2) or (3) of this definition, but otherwise alters, replaces, or adds to existing process or production equipment.
- C. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
1. Begun or caused to begin as part of a continuous onsite construction program:
 - (i) Any placement, assembly, or installation of facilities or equipment; or
 - (ii) Significant site preparation work including clearing, excavation, or removal of existing buildings structures, or facilities that is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 2. Entered into a building contractual obligation for the purchase of facilities or equipment that is intended to be used in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

"Non-significant categorical industrial user" is an industrial user subject to 40 CFR chapter I, subchapter N that the control authority may determine is a non-significant categorical industrial user rather than a significant user on a finding that the industrial user does not discharge more than one hundred gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blow-down wastewater, unless specifically included in the categorical pretreatment standard) and the conditions in the following paragraphs A through C of this definition are met:

- A. The industrial user, prior to the control authority's finding has consistently complied with all applicable categorical pretreatment standards and requirements;
- B. The industrial user annually submits the certification statement required in paragraph (J) of rule 3745-3-06 of the Administrative Code together with any additional information necessary to support the certification statement;
- C. The industrial user never discharges any untreated concentrated wastewater; and

"OEPA" -The Ohio Environmental Protection Agency, or where appropriate, "OEPA" or

"EPA" may also be used as a designation for the administrator or other duly authorized official of that agency.

"Other wastes"- Decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals and all other substances except sewage and industrial wastes.

"Pass through" - means a discharge that exits the POTW into waters of the state in quantities or concentrations that alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

"Person" - Any and all persons, natural or artificial, including any individual, firm, company, private corporation, partnership, co-partnership, joint stock company, trust, association, institution, enterprise, or other legal entity, or their representatives, agents, or assigns. The masculine gender shall include the feminine. The singular shall include the plural where indicated by the context.

"Publicly owned treatment works" or "POTW"- Treatment works that is owned or operated by a public authority. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the public authority that has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

"Pollutant" - Any substance discharged into a POTW or its collection system, listed in Appendix A and B of this chapter (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 307(a) of the Act).

"Pollutant Parameters".

- A. "Biochemical Oxygen Demand (BOD)." "BOD" of sewage, sewage effluent, polluted waters or industrial wastes means the quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five days at 90 degrees Celsius. The laboratory determinations shall be made in accordance with procedures set forth in Standard Methods.
- B. "Chemical Oxygen Demand (COD)." - "COD" of sewage, sewage effluent, polluted water 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.
- C. "Fecal coliform" - Any of a number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.
- D. "Floatable oil" - Fat or grease in a physical state, such that will separate by gravity from wastewater by treatment in an approved pretreatment facility.
- E. "Grease and oil"- A group of substances including hydrocarbons, fatty acids, soaps, fats, waxes, oils or any other material that is extracted by a solvent from an acidified sample and that is not volatilized during the laboratory test procedures. "Grease and oils" are defined by the method of their determination in accordance with Standard Methods.
- F. "Grease and oil of animal and vegetable origin" - Substances that are less readily biodegradable in nature such as are discharged by meatpacking, vegetable oil and fat industries, food processors, canneries and restaurants.
- G. "Grease and oil of mineral origin" - Substances that are less biodegradable than grease and oil of animal or vegetable origin; and are derived from a petroleum source. These substances include machinery lubricated oils, gasoline station wastes, petroleum refinery wastes and storage depot wastes.
- H. "pH" - The logarithm (to the base 10) of the reciprocal of the hydrogen ion concentration of a solution expressed in gram atoms per liter of solution.
- I. "Suspended solids" -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. Quantitative determination shall be made in accordance with procedures set forth in Standard Methods.
- J. "Total solids" - the sum of suspended and dissolved solids.
- K. "Volatile organic matter" - The material in the sewage solids transformed to gases or vapors when heated at 550 degrees Celsius for fifteen to twenty minutes.
- L. Any other pollutant parameter deemed appropriate.
- "Pollution" - An alteration of the quality of the waters of the State by waste to a degree which unreasonably affects the waters for beneficial uses or facilities which serve the beneficial uses. "Pollution" is further defined as the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.
- "Pretreatment" means the reduction of the amount of pollutants, the elimination of the pollutants, or the alteration of the nature of the pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological treatment processes, by BMPs, by pollution prevention alternatives including process changes, material substitutions, improved operating practices and recycling, or by other means, except as prohibited by paragraph (E) of rule 3745-3-09 of the Administrative Code.
- "Pretreatment requirements" means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user or POTW.
- "Pretreatment standard" means a discharge limit related to pretreatment that is imposed on an industrial user by this chapter or by local ordinance or control mechanism, including categorical pretreatment standards, prohibitive discharge limits established pursuant to rule 3745-3-04 of the Administrative Code, local limits established pursuant to paragraph (C)(4) of the rule 3745-3-04 of the Administrative Code, and any enforceable schedule designed to achieve compliance with such limit.
- "Process wastewater" means any water that, during manufacturing or processing, comes into contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product, except noncontact cooling water and sanitary wastewater.
- "Process wastewater pollutants" means pollutants present in process wastewater.
- "PSES" means categorical pretreatment standards for existing sources.
- "PSNS" means categorical pretreatment standards for new sources.
- "Public Authority" means a municipal corporation, the governing board of a county, a sanitary district established pursuant to Chapter 6115 of the Revised Code, a sewer district established

pursuant to Chapter 6117 of the Revised Code, a conservancy district under Chapter 6101 of the Revised Code, or any other special district owning or operating a POTW in accordance with section 6111.032 of the Revised Code.

"Pollution" - An alteration of the quality of the waters of the State by waste to a degree which unreasonably affects the waters for beneficial uses or facilities which serve the beneficial uses.

"Pollution" is further defined as the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

"Pretreatment" means the reduction of the amount of pollutants, the elimination of the pollutants, or the alteration of the nature of the pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological treatment processes, by BMPs, by pollution prevention alternatives including process changes, material substitutions, improved operating practices and recycling, or by other means, except as prohibited by paragraph (E) of rule 3745-3-09 of the Administrative Code.

"Pretreatment requirements" means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user or POTW.

"Pretreatment standard" means a discharge limit related to pretreatment that is imposed on an industrial user by this chapter or by local ordinance or control mechanism, including categorical pretreatment standards, prohibitive discharge limits established pursuant to rule 3745-3-04 of the Administrative Code, local limits established pursuant to paragraph (C)(4) of the rule 3745-3-04 of the Administrative Code, and any enforceable schedule designed to achieve compliance with such limit.

"Process wastewater" means any water that, during manufacturing or processing, comes into contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product, except noncontact cooling water and sanitary wastewater.

"Process wastewater pollutants" means pollutants present in process wastewater.

"PSES" means categorical pretreatment standards for existing sources.

"PSNS" means categorical pretreatment standards for new sources.

"Public Authority" means a municipal corporation, the governing board of a county, a sanitary district established pursuant to Chapter 6115 of the Revised Code, a sewer district established pursuant to Chapter 6117 of the Revised Code, a conservancy district under Chapter 6101 of the Revised Code, or any other special district owning or operating a POTW in accordance with section 6111.032 of the Revised Code.

"Receiving stream" - The watercourse, stream or body of water receiving the waters finally discharged from the POTW.

"Sanitary sewer" or "Sewer" - Any pipe, conduit, ditch, or other device used to collect and transport sewage from the generating source to the POTW.

"Sewage"- water-carried human wastes or a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments.

"Shall"- Is mandatory.

"Significant Noncompliance" - for purposes of this provision, an industrial user is in significant noncompliance if its violation meets the criteria in paragraph (C), (D), or (H) of this definition. A significant industrial user is in significant noncompliance if its violation meets any of the following criteria:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six per cent or more of all the measurements taken for the same pollutant parameter at any permitted monitoring point during a six month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits;
- B. Technical review criteria (TRC) violations, defined here as those in which thirty-three percent or more of all measurements taken for the same pollutant parameter at any permitted monitoring point during a six 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, and 1.2 for all other pollutants except pH);
- C. Any other violation of a pretreatment standard or requirement as defined by paragraph (N) of rule 3745-3-01 of the Administrative Code (daily maximum or longer term average, instantaneous limit, or narrative standard) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or the environment or has resulted in the POTW's exercise of its emergency authority under

paragraph (B) of this definition to halt or prevent such a discharge;

- E. Failure to meet, within ninety days after the schedule date, a compliance schedule milestone contained in the local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within forty- five days after the due date, required reports such as baseline monitoring reports, reports on compliance with compliance schedules, or other reports required by the control authority;
- G. Failure to accurately report noncompliance; or
- H. Any other violation or group of violations, including a violation of BMPs that the control authority determines adversely affects the operation or implementation of the local pretreatment program.

"Sludge" - Any solid, semi-solid, or liquid waste generated by a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other waste having similar characteristics and effects.

"Slug load"- Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with or pass through the POTW.

"Standard Industrial Classification (SIC)" - A classification pursuant to the Standard Industrial Classification issued by the Executive Office of the President, Office of Management and Budget, 1972.

"Superintendent" - The Water/Wastewater Superintendent or authorized representative.

"Toxic amount" - 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.

"Toxic pollutant"- Those substances referred to in Section 307(a) of the Act as well as any other known potential substances capable of producing toxic effects.

"Unpolluted water" - Water of a quality that has not been altered chemically, physically, biologically or radiologically by man or that would not benefit by discharge to sanitary sewer and subsequent wastewater treatment.

"Upset" - An exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with pretreatment standards due to factors beyond the reasonable control of the discharger, 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.

"User"- Same as "industrial user".

"U.S. EPA" or "EPA"- The U.S. Environmental Protection Agency, or where appropriate,

"U.S. EPA" or "EPA" may also be used as a designation for the administrator or other duly authorized official of that agency.

"Water pollution control facility (WPCF)" - Treatment works which are owned by the City, including the sewers, pumping stations, treatment facility, and any related appurtenances.

"Wastewater constituents and characteristics" - The individual chemical, physical, bacteriological and radiological parameters, including volume, flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity and strength of wastewater.

"Wastewater discharge permit" or "industrial discharge permit" - A formal permit to discharge industrial waste into the POTW, as issued by the City.

(Ord. 4361. Passed 5-10-11.)

REGULATIONS

935.03 RIGHT TO REJECT WASTES.

If any waters or wastes are discharged or proposed to be discharged to the POTW which do not comply with the provisions of this chapter, or in the judgement of the Water/Wastewater Superintendent will not comply with this chapter, the Water/Wastewater Superintendent may:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition for discharge to the POTW; and/or,
- (c) Require payment to cover the added cost of handling and treating the wastes under the provisions of Section 935.28.

(Ord. 4005. Passed 4-9-96.)

935.04 GENERAL DISCHARGE PROHIBITIONS.

(a) Dilution. No user shall increase the use of process water or dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with any pretreatment standard or requirement. This shall not prohibit the use of equalization tanks utilized to regulate flows.

(b) Pass Through and Interference. No User shall discharge or cause to be discharged, directly or indirectly, any pollutants which by their nature or concentration will pass through or cause interference with the operation of performance of the POTW.

(c) Specific Prohibitions. In addition, the following pollutants shall not be introduced into the POTW:

- (1) Pollutants which create a fire or explosion hazard in the POTW including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test method specified in 40 CFR 261.21.
- (2) 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 to exceed the limitations set forth in this chapter. A toxic pollutant shall include but not be limited to any pollutant identified in the priority pollutant list set forth in Appendix A of this chapter.
- (3) Any substance which may cause the POTW's effluent or treatment residues, sludges or scums to be unsuitable for reclamation or 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 Section 405 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, Resource Conservation and Recovery Act or State standards applicable to the sludge management method being used.
- (4) Pollutants which will cause corrosive or structural damage to the POTW, but in no case discharges with a pH lower than 5.0 or higher than 9.5 Standard Units.
- (5) Solid or viscous substances in amounts which will cause obstruction to the flow in the POTW or otherwise interfere with proper operation. Prohibited substances include, but are not limited to, grease, uncomminuted garbage, manure, hair, feathers, sand, spent lime, grass clippings, and similar substances.
- (6) Any slug load discharge.
- (7) Heated wastewater which will cause the temperature at the introduction into the POTW to exceed 40 C (104 F) or inhibit biological activity in the wastewater treatment processes.
- (8) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through the POTW and not to exceed 100 mg/L at any time.
- (9) Any liquids, solids, or gases which either singly or by interaction result in toxic or malodorous gases, vapors or fumes which cause a public nuisance, health and safety problems, or danger to POTW workers.
- (10) Any substance with color not removed in the treatment processes such as, but not limited to, dyes and tanning solutions.
- (11) Any unpolluted waters which will increase the hydraulic loading on the plant including, but not limited to, any storm water, surface water, groundwater, roof run-off water, subsurface drainage, uncontaminated cooling water or uncontaminated industrial process waters. This applies strictly to all new connections. All existing connections may be approved or rejected after review of hardship and/or other considerations by the Water/Wastewater Superintendent.
- (12) Any wastewater containing any radioactive wastes or isotopes.
- (13) Any trucked or hauled pollutants, including septage and industrial waste, except at locations and times designated by the Water/Wastewater Superintendent.

(d) When the Water/Wastewater Superintendent determines that a discharger is contributing any substances in such amounts as to interfere with the operation of the POTW, the Water/Wastewater Superintendent shall:

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

(Ord. 4361. Passed 5-10-11.)

935.05 LIMITATIONS ON WASTEWATER STRENGTH.

(a) Federal Requirements. 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 industrial users which are subject to such standards.

(b) State Requirements. State requirements and limitations on discharges to the POTW shall be met by all dischargers which are subject to those standards in any instance in which they are more stringent than federal requirements and limitations or those in this or any other applicable chapter.

(c) Local Requirements. No discharger shall discharge or cause or allow to be discharged into the sewerage system any pollutant in concentrations above those specifically permitted in a wastewater discharge permit issued by the City. Discharge permits shall impose maximum discharge concentration limits or mass based limits where appropriate.

(d) Variations. The Water/Wastewater Superintendent reserves the right to grant a variance of discharge limitations to dischargers as referred to and in accordance with OAC 3745-3-09-(I)(1) and as defined in CFR Sections 403.6(e), 403.7, 403.13 and 403.15, upon request of the discharger. (Ord. 4361. Passed 5-10-11.)

935.06 PRETREATMENT OF WASTEWATER.

(a) Pretreatment Facilities. Users shall provide wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Sections 935.04 and 935.05 within the time limitations specified by EPA, the State, or the City, whichever is more stringent.

Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Superintendent for review, and shall be acceptable to the Superintendent before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this chapter.

(b) Additional Pretreatment Measures.

- (1) Whenever deemed necessary, the Superintendent may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this chapter.
- (2) The Superintendent may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- (3) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Superintendent and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.
- (4) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(Ord. 4005. Passed 4-9-96.)

935.07 RIGHT OF CITY TO CONVERT UNITS.

Limit Conversion. Local limits and categorical pretreatment standards expressed in terms of concentration may be converted to mass discharge limitations at the discretion of the City. Categorical pretreatment standards which specify mass limitations may alternately be converted to concentration limits when deemed appropriate by the City.

(Ord. 4005. Passed 4-9-96.)

935.08 ACCIDENTAL DISCHARGES.

(a) Protection Procedures.

- (1) Each discharger shall provide protection from accidental (slug) discharge other than an upset as defined in Section 935.08(b) of prohibited or regulated materials or substances established by this chapter. Where necessary, facilities to prevent accidental

discharge of prohibited materials shall be provided and maintained at the discharger's cost and expense.

- (2) Detailed plates called Slug Control Plan Load Discharge showing facilities and operating procedures to provide this protection shall be submitted to the Water/Wastewater Superintendent for review, and shall be approved by the Water/Wastewater Superintendent prior to construction of the facility or otherwise determined to be necessary by the Water/Wastewater Superintendent. Each existing discharger shall be evaluated by the Water/Wastewater Superintendent once per wastewater contribution permit cycle.
 - (3) No discharger who discharges to the City POTW shall be permitted to introduce pollutants into the system until accidental discharge protection procedures have been approved by the Water/Wastewater Superintendent.
 - (4) Review and approval of the plans and operating procedures by the Water/Wastewater Superintendent shall not relieve the discharger from the responsibility to modify its facility as necessary to meet the requirements of this chapter.
- (b) Upset Notification. Any user which experiences a failure of a pretreatment system which results in an unintentional or temporary state of noncompliance with this chapter due to factors beyond reasonable control, shall inform the Superintendent as soon as possible, but not later than twenty-four (24) hours after the beginning of the upset.
- Where information is given orally, the user shall file a written report with the Water/Wastewater Superintendent within five (5) days. The report shall include:
- (1) A description of the incident, its cause and its impact on the user's compliance status;
 - (2) The duration of noncompliance, including exact dates and times of noncompliance. If the noncompliance continues, the time by which compliance is reasonably expected to be attained; and,
 - (3) All steps taken or to be taken to reduce, eliminate or prevent recurrence of the conditions of noncompliance.
- (c) Bypasses of pretreatment facilities are prohibited and the City may pursue enforcement action unless the user receives prior written approval for bypass from the City.
(Ord. 4361. Passed 5-10-11.)

935.09 NOTIFICATION OF CHANGES IN DISCHARGE.

All industrial users shall notify the City 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 CFR 403.12(P).
(Ord. 4005. Passed 4-9-96.)

ADMINISTRATION

935.10 WASTEWATER DISCHARGE PERMIT APPLICATION.

- (a) Permit Required. It shall be unlawful to discharge industrial wastes to the POTW without first making application for and complying with requirements stipulated in a wastewater discharge permit issued by the City.
- (b) Permit Application. All significant industrial users, and other users as may be required by the Water/Wastewater Superintendent, shall submit an application for a wastewater discharge permit to the Water/Wastewater Superintendent at least 90 days prior to connecting to or discharging to the POTW. All existing significant industrial users connected to or discharging to the POTW, and which have not previously applied for a wastewater discharge permit, shall apply for a discharge permit within 180 days of the effective date of this chapter. All new sources shall give estimates of the information requested in paragraphs (4) through (7). Each application shall include:
 - (1) Name and address of applicant;
 - (2) A list of any environmental control permits held by the facility;
 - (3) A description of operations, including the nature, rate of production and Standard Industrial Classification (SIC) of the operation(s). This description shall include a schematic process diagram which indicates the point(s) of discharge to the POTW;
 - (4) Measured average daily and 30-minute peak wastewater flow, in million gallons per day, including daily, monthly and seasonal variations, if any. All flows shall be measured unless other verifiable techniques are approved by the City due to cost or feasibility.
 - (5) Results of sampling and analysis of regulated pollutants from each regulated process. For pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics a minimum of

four (4) grab samples must be analyzed. For all other pollutants a minimum of one (1) 24 hour flow proportional composite sample must be obtained. Samples should be taken immediate downstream of pretreatment facilities if such exist or immediately downstream of regulated processes if no pretreatment facilities exist. The samples shall be representative of the daily operations;

- (6) Raw materials utilized and their amounts;
- (7) Type and amount of product produced. For industrial users subject to equivalent mass or concentration limits established by the Superintendent, this report shall include a reasonable measure of the user's long term production rate. For industrial users subject to production based standards, this report shall include the user's actual production during the appropriate sampling period;
- (8) Where additional pretreatment and/or operation and maintenance activities will be required to comply with this chapter, the discharger shall provide a declaration of the shortest schedule by which the discharger will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:
 - A. The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the discharger to comply with the requirements of this chapter including, but not limited to, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction and all other acts necessary to achieve compliance with this chapter.
 - B. Under no circumstances shall the Water/Wastewater Superintendent permit a time increment for any single step directed toward compliance which exceeds twelve months.
 - C. Not later than fourteen days following each milestone date in the schedule and the final date for compliance, the discharger shall submit a progress report to the Water/Wastewater Superintendent, 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 these progress reports to the Water/Wastewater Superintendent.
- (9) All sewers shall have an inspection and sampling structure accessible at all times to the City for use in sampling the industry's discharge to assure compliance with this chapter.
- (10) The permit application shall be signed by an authorized representative of the discharger pursuant to OAC or as defined in Section 935.02.

(c) Permit Acceptance. The Water/Wastewater Superintendent shall evaluate the data furnished by the discharger and may require additional information. After evaluation and acceptance of the data furnished, the Water/Wastewater Superintendent may issue a wastewater discharge permit subject to terms and conditions provided herein. The Water/Wastewater Superintendent reserves the right to reevaluate all industrial dischargers at any time and require a permit to be issued.

(d) Each IU is required to notify the Superintendent of any significant changes to the IU's operations or system which might alter the nature, quality or volume of its waste water at least thirty (30) days before the change.

(Ord. 4361. Passed 5-10-11.)

935.11 WASTEWATER DISCHARGE PERMIT CONDITIONS

(a) Permit Conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and any other applicable regulations, user charges and fees established by the City. Permits may contain the following specific conditions:

- (1) Statement of duration including issuance and expiration dates.
- (2) Limits on average and maximum allowable levels of wastewater discharge constituents and characteristics.

- (3) Limits on average and maximum rate and time of discharge or requirements for flow regulation or equalization.
 - (4) Requirements for installation and maintenance of inspection monitoring and sampling facilities and equipment.
 - (5) Schedules for attaining compliance.
 - (6) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests, and reporting requirements.
 - (7) Requirements for maintaining and retaining pretreatment facility records relating to wastewater discharge as specified by the City, and affording the City access thereto.
 - (8) 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 treatment system.
 - (9) Requirements for notification of slug discharges.
 - (10) Requirements for submission of technical reports or discharge reports.
 - (11) Requirements for developing and implementing spill and slug control plans.
 - (12) Other conditions as deemed necessary by the Water/Wastewater Superintendent to ensure compliance with this Chapter.
 - (13) Limits based on "Best Management Practices" or "BMPs" as listed in OAC 3745-3-04.
- (b) Permit Duration.
- (1) Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than one year or may be stated to expire on a specific date.
 - (2) All permit holders shall apply for permit reissuance a minimum of 180 days prior to the expiration of the existing permit.
 - (3) The terms and conditions of the permit may be subject to modification by the City during the term of the permit as limitations or requirements as identified in Sections 935.04, 935.05 and 935.08 are modified or other just cause exists. The permit holders shall be informed of any proposed changes in its permit at least thirty days prior to the effective date of change.
 - (4) Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- (c) Nontransferability. Wastewater discharge permits are issued to a specific industrial discharger for a specific operation. A wastewater discharge permit shall not be reassigned, transferred or sold to a new owner, industrial discharger or different premises without written consent from the Water/Wastewater Superintendent following procedures established by the Water/Wastewater Superintendent.
- (d) Permit Revisions.
- (1) The City reserves the right to amend any wastewater discharge permit issued hereunder in order to assure compliance by the City with applicable pretreatment standards and requirements. Industrial users with an effective discharger permit shall be informed of any proposed changes to the permit at least thirty (30) days prior to the effective date of any such changes. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
 - (2) Within twelve (12) months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permits of dischargers subject to the standard shall be revised to require compliance with the standard within the time frame prescribed by the standard.
 - (3) Where a discharger subject to a national categorical pretreatment standard has not previously submitted an application as required by Section 935.10(b), the discharger shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable national categorical pretreatment standard.

(Ord. 4361. Passed 5-10-11.)

935.12 COMPLIANCE REPORTS.

- (a) Baseline Monitoring Reports (BMR).
- (1) Existing sources shall submit a BMR within 180 days of promulgation of a new national categorical pretreatment standard.
 - (2) A new source shall submit an Initial Compliance Report (ICR) to accompany its permit application at least ninety days prior to commencement of the introduction of wastewater into the POTW. Sampling requirements are the same for the BMR.
 - (3) The BMR shall include information on pretreatment methods and provide the nature and concentration of all pollutants and discharge flow rate as set forth in 40 CFR

403.12(b), as amended. New sources shall install and have in operating condition and shall start up all pollution control equipment required to meet applicable standards before beginning to discharge into the POTW. Within ninety days after commencement of discharge, new sources shall meet all applicable standards as set forth in 40 CFR 403.6(b), as amended. The BMR shall also include documentation indicating compliance with a BMP when determined to be necessary by the Water/Wastewater Superintendent.

(b) Ninety-Day Compliance Reports.

(1) Within ninety days following the date for final compliance by the discharger with applicable national categorical pretreatment standards set forth in its permit or ninety days following the commencement of discharge to the POTW by a new source, any discharger subject to these regulations shall submit to the Superintendent a report indicating the nature and concentration of prohibited or regulated pollutants in the discharge which are limited by the pretreatment standards thereof.

(2) 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, where cost or feasibility considerations justify, the Water/Wastewater Superintendent may accept reports of average and maximum flows estimated by verifiable techniques.

(c) Additional periodic compliance reports shall be submitted by all categorical and non categorical users at a frequency specified in the permit, indicating the nature and concentration of all prohibited or regulated pollutants in the discharge. These reports shall also include a record of all measured average and maximum flows during the reporting period, the results of sampling analyses and any other information required by the City. If a discharger's sampling data indicates a violation, the discharger shall notify the Superintendent within twenty-four hours of becoming aware of the violation. The discharger shall then repeat the sampling and analysis and submit the results to the Superintendent within thirty days unless the City samples the user's discharge.

(d) All sampling and analysis for purposes of reporting shall conform to 40 CFR 136. Grab samples are required for pH, hexavalent chromium, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. All other pollutant samples shall be measured by flow proportional sampling unless justification for an alternate sampling type, representative of the discharge and is documented in the industrial user file.

(e) All reports required under this section shall contain a statement indicating whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O and M and/or pretreatment is necessary to bring the discharger into compliance with applicable pretreatment standards or requirements.

(f) All reports shall be certified to and signed by an authorized representative of the discharger in accordance with 40 CFR 403.6(a)(2)(ii) or 935.02 and OAC 3745-3-06(F).

(g) Submission of documentation indicating compliance with BMP when determined to be necessary.

(h) Multiple grab samples collected during a twenty- four-hour period may now be composited prior to analysis as follows: for hexavalent chromium, cyanide, total phenols, and sulfides the samples may now be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may now be composited in the laboratory.

Protocols (including appropriate preservation) specified in 40 C.F.R. 136 and appropriate U.S. EPA guidance must be followed.

(i) If a violation is detected through sampling and analysis conducted by the City in lieu of the industrial user, the City shall perform the repeat sampling and analysis within thirty (30) days of becoming aware of the violation unless it notifies the user of the violation and requires the user to perform the repeat sampling and analysis.

(Ord. 4361. Passed 5-10-11.)

935.13 COMPLIANCE SCHEDULES.

When in the opinion of the Water/Wastewater Superintendent, it becomes necessary for industrial users to install technology or provide additional operation and maintenance (O and M) to meet any condition of this chapter or applicable administrative order, the Water/Wastewater Superintendent shall require the

development of the shortest schedule by which the industrial user will provide this additional technology or O and M.

- (a) 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 months.
- (b) Not later than 14 days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the Water/Wastewater Superintendent including, at a minimum, whether or not it complied with the increment of progress to be met on such 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 to return to the schedule established.

(Ord. 4005. Passed 4-9-96.)

935.14 MONITORING FACILITIES.

Each industrial user, as directed by the Water/Wastewater Superintendent shall install and operate, at the user's own expense, a monitoring facility to allow inspection, sampling, and flow measurement of each sewer discharge to the City. Each monitoring facility shall be situated on the discharger's premises. Where such a location would be impractical or cause undue hardship on the discharger, the City may concur with the facility being constructed in the public street or sidewalk area providing the facility is located so that it will be accessible at all times. There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis.

The monitoring facility shall have an inspection and sampling manhole or structure with an opening of no less than 24 inches in diameter and an internal diameter of no less than 48 inches and shall contain such flow measuring, recording, and sampling equipment as may be required by the City to ensure compliance with this chapter. 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. All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications.

(Ord. 4005. Passed 4-9-96.)

935.15 INSPECTION AND SAMPLING.

The discharger shall allow the Water/Wastewater Superintendent or his representative to enter upon the premises of the discharger during any reasonable hour for the purposes of inspection, sampling, and records examination and copying to determine compliance with the requirements of this chapter. Where the industry has security measures in force which require proper identification and clearance before entry, the discharger shall make necessary arrangements so that the Water/Wastewater Superintendent or his representative will be permitted entry without delay. The City shall have the right to set up on the discharger's property necessary devices to conduct sampling, inspection, compliance monitoring, metering operations, or all of these. The City may require an industrial user to install flow monitoring facilities, instruments, and recording devices to enable accurate measurement of flows as determined to be necessary.

(Ord. 4361. Passed 5-10-11.)

935.16 CONFIDENTIAL INFORMATION.

Information and data furnished to the City with respect to the nature and frequency of discharge shall be available to the public or other government 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 trade secrets or proprietary information. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the City as confidential shall be made available to governmental agencies upon written request. (Ord. 4005. Passed 4-9-96.)

935.17 RECORDS RETENTION.

All industrial users shall retain and preserve for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence, and any and all summaries thereof, relating to monitoring, sampling, and chemical analyses made by or on behalf of an industrial user in connection with its discharge. All records which pertain to materials which are subject to administrative adjustment or any other enforcement or litigation activities brought by the City pursuant hereto 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. 4005. Passed 4-9-96.)

935.18 REPORTING REQUIREMENTS FOR CITY.

(a) The Water/Wastewater Superintendent shall forward pertinent information regarding changes in the national pretreatment categorical standards to industries affected.

(b) Industry shall also be adequately advised of changes to this chapter to permit industry compliance with this chapter.

(c) The City shall have the authority to develop and implement an Enforcement Response Plan (ERP) that contains detailed procedures indicating how the City will investigate and respond to instances of industrial user noncompliance.

(Ord. 4005. Passed 4-9-96.)

CHARGES AND FEES

935.19 CHARGES AND FEES.

The City shall adopt charges and fees which may include:

- (a) Charges and fees for monitoring, inspections, and surveillance procedures, including all costs associated with sampling and analyses for Total Toxic Organics (TTOs) which may be required pursuant to categorical pretreatment requirements;
- (b) Charges and fees for permit applications;
- (c) Charges and fees for filing appeals;
- (d) Charges and fees for reviewing accidental discharge incidents and their associated investigation and analyses;
- (e) Charges and fees for reviewing plans for the construction of new or modified facilities relating to this chapter.
- (f) Cost recovery associated with City response to noncompliance issues.

(Ord. 4361. Passed 5-10-11.)

935.20 SURCHARGES.

The user shall be surcharged a flat fee for the additional cost associated with treating the high strength wastewater if analysis reveals a user's average monthly discharge concentrations exceed the following average concentrations:

- (a) BOD - 200 mg/L or COD - 300 mg/L
- (b) TSS 250mg/L
- (c) Oil and Grease- 50 mg/L

Any surcharge assessed for excess pollutants shall be in addition to normal charges and shall not relieve the discharger of liability for inhibition, pass through or damage caused by such discharge. (Ord. 4005. Passed 4-9-96.)

ENFORCEMENT

935.21 NOTIFICATION OF VIOLATION.

Whenever the City finds that any discharger has violated any provision of this chapter, its wastewater discharge permit, or an order of the City, the Water/Wastewater Superintendent shall serve written notice stating the nature of the alleged violation. No later than fourteen (14) days after the receipt date of this notice, the discharger shall respond in writing with an explanation of the violation and a plan for the satisfactory correction and prevention thereof. Submission of this plan in no way relieves the user of the liability for any violations occurring before or after receipt of the notice of violation. (Ord. 4005. Passed 4-9-96.)

935.22 COMPLIANCE ORDERS.

When the Water/Wastewater Superintendent finds that an industrial user has violated or continues to violate this chapter, its wastewater discharge permit, or an order of the City or court of competent jurisdiction, he may issue a written order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

(Ord. 4005. Passed 4-9-96.)

935.23 EMERGENCY SUSPENSION OF SERVICE AND DISCHARGE PERMITS.

The City may, with good cause shown and prior written notice, suspend the wastewater treatment service and the wastewater discharge permit of a discharger when it appears to the City 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, or interferes with the operation of the POTW. Any discharger notified of the suspension of the City's wastewater treatment service or the discharger's wastewater discharge permit, shall immediately cease all discharge. In the event of a User's failure to immediately comply voluntarily with the suspension order, the City shall take such steps as deemed necessary, including immediately severing or plugging of the sewer connection. The City shall reinstate wastewater treatment service or a wastewater discharge permit and terminate any judicial proceedings upon proof by the discharger of the elimination of the noncomplying discharge or conditions creating the threat of imminent or substantial danger as set forth above.

(Ord. 4005. Passed 4-9-96.)

935.24 REVOCATION OF PERMIT.

The City may revoke the wastewater discharge permit and treatment services of any discharger which violates any condition of this chapter, its permit, or an order of the City.

(Ord. 4005. Passed 4-9-96.)

935.25 RIGHT OF INTERPRETATION.

Any discharger or any interested party shall have the right to request in writing an interpretation or ruling by the City on any matter covered under this chapter and shall be entitled to a prompt written reply.

(Ord. 4005. Passed 4-9-96.)

935.26 RIGHT OF APPEAL.

Any discharger found by the Water/Wastewater Superintendent to have violated any provision of this chapter, its wastewater discharge permit or an order of the City shall have the right to appeal the Superintendent's findings to the Board of Control. The appeal shall be perfected by filing a notice of appeal which states the reasons therefor with the Superintendent no more than seven (7) days following the issuance of his order, notice or other proposed sanction. Within seven (7) working days, the Superintendent shall then transmit the notice, his order, notice or other proposed sanction to the Board of Control.

Within seven (7) working days after receiving the notice of appeal and other papers from the Superintendent, the Board of Control shall fix a time for a hearing of the appeal and shall give the discharger at least twenty (20) days prior written notice of the time and place of the hearing.

The discharger and the Superintendent shall have the right to appear before the Board and to be represented by counsel at the hearing. The Board shall receive any relevant evidence and testimony offered by either as it shall determine. Testimony received at the hearing shall be under oath. The Board of Control shall then affirm, modify or reverse the finding of the Superintendent. The Board of Control shall also prepare written conclusions of the facts found by it, its decision and its reasons therefor. The Board shall determine its own procedures not inconsistent with these provisions. (Ord. 4005. Passed 4-9-96.)

935.27 ANNUAL PUBLICATIONS.

At least annually, the City shall publish a list of all dischargers or significant industrial users which at any time during the previous twelve months were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, significant noncompliance shall be as defined within Section 935.02.

(Ord. 4005. Passed 4-9-96.)

PENALTIES

935.28 RECOVERY OF COSTS INCURRED BY THE CITY.

Any discharger violating any provision of this chapter, their wastewater discharge permit, or any order of the City which results in damage or impairment of the City's wastewater treatment system or which results in excessive costs of treatment shall be liable to the City for any expense, loss, or damage caused by such violating discharge. The City shall bill the discharger for the costs incurred as a result of the discharge.

(Ord. 4005. Passed 4-9-96.)

935.29 ADMINISTRATIVE FINES.

(a) The Water/Wastewater Superintendent may assess, on a strict liability basis, except where this chapter expressly provides for an affirmative defense, administrative fines not to exceed 1,000 dollars per violation against any person who violates any provision of this chapter. Each day or portion thereof, when a violation occurs, shall be considered a separate violation.

(b) In determining the amount of an administrative fine, the Water/Wastewater Superintendent shall consider the magnitude and severity of the violation, history of past violations or compliance, economic

advantage accrued by the violator due to the violation, and actions taken by the violator to comply with this chapter and the Emergency Response Plan.

(c) Any administrative fines assessed by the Water/Wastewater Superintendent may be added to the person's sewer service charge, and the Water/Wastewater Superintendent shall have such collection remedies as provided to collect other service charges.

(d) Any person assessed an administrative fine pursuant to this section may appeal the action of the Water/Wastewater Superintendent as provided for in Section 935.26.

(Ord. 4361. Passed 5-10-11.)

935.99 PENALTY.

The City may commence an action for appropriate legal and/or equitable relief in the appropriate courts with respect to the conduct of a discharger contrary to the provisions of this chapter.

- (a) Injunctive Relief. Whenever an industrial user has violated or continues to violate any provision of this chapter, its wastewater discharge permit, or any order of the City, the City may petition the court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) to restrain or compel activities on the part of the industrial user.
- (b) Civil Penalties. Any discharger who is found to have violated any provision of this chapter, their wastewater discharge permit, or any order of the City shall be subject to the imposition of a civil penalty of up to 1,000 dollars 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 shall be entitled to recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the discharger.
- (c) Criminal Penalties. Any person or persons who intentionally or willfully violate any provision of this Chapter, their wastewater discharge permit, or any order of the City or any person or persons that allow a violation to continue after becoming aware of said violation shall be guilty of a misdemeanor in the first degree.
- (d) Falsifying Information. Any person or persons who knowingly make any false statement, representation or certification in any application, record, report, plan or document filed or required to be maintained pursuant to this chapter, any wastewater discharge permit, or any order of the City, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method, shall be guilty of a misdemeanor in the first degree.

(Ord. 4005. Passed 4-9-96.)

APPENDIX A PRIORITY POLLUTANTS

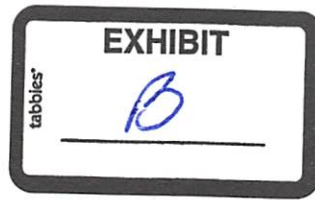
1. asbestos (fibrous)	2. cyanide (total)
3. antimony (total)	4. arsenic (total)
5. beryllium (total)	6. cadmium (total)
7. chromium (total)	8. copper (total)
9. lead (total)	10. mercury (total)
11. nickel (total)	12. selenium (total)
13. silver (total)	14. thallium (total)
15. zinc (total)	16. acenaphthene
17. acenaphthylene	18. acrolein
19. acrylonitrile	20. aldrin
21. anthracene .	22. benzene
23. benzidine	24. Benzo(a)anthracent
25. benzo(a)pyrene	26. 3,4-benzo(b)fluoranthene
27. benzo(g,h,i)perylene	28. benzo(k)fluoranthene

29. a-BHC (alpha)	30. b-BHC (beta)
31. d-BHC (delta)	32. g-BHC (gamma)
33. bis(2-chloroethyl)ether	34. bis(2-chloroethoxy)methane
35. bis(2-chloroisopropyl)ether	36. bis(2-ethylhexyl)phthalate
37. bromoform	38. bromomethane(methylbromide)
39. 4-bromophenylphenyl ether	40. butylbenzyl phthalate
41. carbon tetrachloride	42. chlordane
43. chlorobenzene	44. chloroethane
45. 2-chloroethylvinyl ether	46. chloroform
47. chloromethane (methyl chloride)	48. 2-chloronaphthalene
49. 2-chlorophenol	50. 4-chlorophenylphenyl ether
51. chrysene	52. 4,4'-DDD
53. 4,4'-DDE	54. 4,4'-DDT
55. dibenzo (a,h) anthracene	56. dichlorobromomethane
57. 1,2-dichlorobenzene	58. 1,3-dichlorobenzene
59. 1,4-dichlorobenzene	60. 3,3-dichlorobenzidine
61. dichlorodibromomethane	62. 1, 1-dichloroethylene
63. 1,2-dichloroethane	64. 1,1-dichloroethene
65. trans-1,2-dichloroethene	66. 2,4-dichlorophenol
67. 1,2-dichloropropane	68. (cis/trans) 1,3-dichloropropene
69. dieldrin	70. diethyl phthalate
71. 2,4-dimethylphenol	72. dimethyl phthalate
73. di-n-butyl phthalate	74. di-n-octyl phthalate
75. 4,6-dinitro-o-cresol	76. 2,4-dinitrophenol
77. 2,4-dinitrotoluene	78. 2,6-dinitrotoluene
79. 1,2-diphenylhydrazine	80. endosulfan I

81. endosulfan II	82. endosulfan sulfate
83. endrin	84. endrin aldehyde
85. ethylbenzene	86. fluoranthene
87. fluorene	88. heptachlor
89. heptachlor epoxide	90. hexachlorobenzene
91. hexachlorobutadiene	92. hexachlorocyclopentadiene
93. hexachloroethane	94. indeno(1,2,3-cd)pyrene
95. isophorone	96. methylene chlorine
97. naphthalene	98. nitrobenzene
99. nitrophenol	100. 4-nitrophenol
101. n-nitrosodimehtylamine	102. n-nitrosodi-n-propylamine
103. n-nitrosodiphenylamine	104. PCB-1016
105. PCB-1221	106. PCB-12332
107. PCB-1242	108. PCB-1248
109. PCB-1254	110. PCB-1260

111. pentachlorophenol	112. perchlorophenol
113. phenanthrene	114. phenol
115. pyrene	116. 2,3,7,8-tetrachlorodi-benzo-p-dioxin
117. 1,1,2,2,-tetrachloroethane	118. tetrachloroethylene
119. toluene	120. toxaphene
121. 1,2,4-trichlorobenzene	122. 1,1,1-trichloroethane
123. 1,1,2-trichloroethylene	124. trichloroethylene
125. 2,4,6-trichlorophenol	126. vinyl chloride

(Ord. 4005. Passed 4-9-96.)



CHAPTER 935
Industrial Pretreatment

<p>935.01 Purpose and policy. 935.02 Definitions.</p> <p style="text-align: center;">DISCHARGE REGULATIONS</p> <p>935.03 Right to reject wastes.</p> <p>935.04 General discharge prohibitions.</p> <p>935.05 Limitations on wastewater strength.</p> <p>935.06 Pretreatment of wastewater.</p> <p>935.07 Right of City to convert units.</p> <p>935.08 Accidental discharges.</p> <p>935.09 Notification of changes in discharge.</p> <p style="text-align: center;">ADMINISTRATION</p> <p>935.10 Wastewater discharge permit application.</p> <p>935.11 Wastewater discharge permit conditions.</p> <p>935.12 Compliance reports.</p> <p>935.13 Compliance schedules.</p> <p>935.14 Monitoring facilities.</p>	<p>935.15 Inspection and sampling.</p> <p>935.16 Confidential information.</p> <p>935.17 Records retention.</p> <p>935.18 Reporting requirements for City.</p> <p style="text-align: center;">CHARGES AND FEES</p> <p>935.19 Charges and fees. 935.20 Surcharges.</p> <p style="text-align: center;">ENFORCEMENT</p> <p>935.21 Notification of violation.</p> <p>935.22 Compliance orders.</p> <p>935.23 Emergency suspension of service and discharge permits.</p> <p>935.24 Revocation of permit.</p> <p>935.25 Right of interpretation.</p> <p>935.26 Right of appeal.</p> <p>935.27 Annual publication.</p> <p style="text-align: center;">PENALTIES</p> <p>935.28 Recovery of cost incurred by the City.</p> <p>935.29 Administrative fines.</p> <p>935.99 Penalty.</p>
---	---

935.01 PURPOSE AND POLICY.

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

(b) The objectives of this chapter are:

- (1) To establish uniform requirements for direct and indirect contributors into the wastewater collection and treatment system.
- (2) To prevent the introduction of pollutants into the City's wastewater system which will interfere with the normal operation of the system, and pollutants which cannot be adequately treated and pass through the system into receiving waters or the atmosphere;
- (3) To improve the opportunity to recycle and reclaim wastewater and sludge;
- (4) To ensure worker health and safety;

- (5) To satisfy state and federal requirements.

(c) This chapter provides for the regulation of discharges into the City wastewater system and storm water system through the issuance of wastewater discharge permits and the enforcement of administrative regulations. This chapter does not provide for the recovery of operations, maintenance or replacement costs of the water pollution control facility or other costs associated with the construction of collection and treatment systems used by industrial dischargers, in proportion to their use of the water pollution control facility, which are the subject of separate enactments. (Ord. 4005. Passed 4-9-96.)

935.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context specifically indicates otherwise:

“Act” - The Federal Water Pollution Control Act, as amended by the Clean Water Act and the Water Quality Act of 1987 (33 U.S.C.1251 et seq.)

“Applicable pretreatment standard” - Any pretreatment standard or requirement (federal, state and or local), with which users are required to comply.

“Approved POTW pretreatment program” means a program administered by a POTW that meets the criteria established in 40 CFR 403 and section 6111.032 of the revised code and that has been approved by the director in accordance with 40 CFR 403 and section 6111.03 of the Revised Code

“Authority” (City) - The City of Urbana.

“Authorized representative of industrial user” – A responsible corporate officer, if the industrial user submitting the reports required by the applicable pretreatment standard or requirement is a corporation. For the purpose of this definition, a “responsible corporate officer” means;

- A. A president, secretary, treasurer or 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 the manager:
 1. 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;
 2. Can assure that necessary systems are established or that the necessary actions are taken to gather complete and accurate information for control mechanism requirements; and
 3. Is assigned or delegated the authority to sign documents in accordance with corporate procedures.
- C. A general partner or proprietor if the discharger submitting the reports is a partnership or sole proprietorship, respectively.
- D. A member or manager if the industrial user submitting the report **via** a limited liability company;
- E. A duly authorized representative of the individual designated above if:
 1. The authorization is made in writing by the individual described above; and

2. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharger 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
 3. The written authorization is submitted to the City.
- F. If authorization under paragraph (E) of this definition 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 paragraph (E) of this definition shall be submitted to the City prior to or together with any reports to be signed by an authorized representative.

“Average monthly discharge limitation” - The highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

“Average weekly discharge limitation” - The highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges, measured during a calendar week divided by the number of daily discharges measured during that week.

“Beneficial uses” - Includes, but is not limited to domestic, municipal, agricultural and industrial use, power generation, recreation, aesthetic enjoyment, navigation, the preservation and enhancement of fish, wildlife and other aquatic resources of reserves, and other uses, both tangible and intangible, as specified by state or federal law.

“Best management practices” or “BMP’s” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in rule 3745-3-04 of the Administrative Code. BMP’s also include treatment requirements, operating procedures, and practice to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

“Board of Control” - Shall be as described in the Charter, Section 4.06(d).

“Bypass” - the intentional diversion of waste streams from any portion of the pretreatment treatment facility.

“Categorical pretreatment standard” – means any standard, including national categorical pretreatment standards, specifying quantities or concentrations of pollutants or pollutant properties that may be discharged to a POTW by new or existing industrial users in specific industrial categories.

“City” - Refers to the City of Urbana

“Composite sample” - Should contain a minimum of eight (8) discrete samples taken at equal time intervals over the **compositing** period or proportional to the flow rate over the **compositing** period. More than eight (8) discrete samples shall be required where the wastewater loading is highly variable.

“Control Authority” – means the City of Urbana

“Control Mechanism” – an individual or general permit, order, or similar means used to control an industrial user’s contribution to a POTW to ensure compliance with applicable pretreatment standards and requirements.

“Director” – means the Director of the Ohio Environmental Protection Agency or his authorized deputy, agent, or representative.

“Discharger” - Same as "industrial user."

"EPA" - Same as "U.S. EPA" or "U.S. Environmental Protection Agency" or "Ohio EPA"

"Easement" - an acquired legal right of the specific use of land owned by others.

"Garbage" - Any solid wastes from the preparation, cooking or dispensing of food and from handling, storage or sale of produce.

"Grab sample" - A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

~~"Ground (shredded) garbage" - Garbage that is shredded to such a degree that all particles will be carried freely in suspension under the conditions normally prevailing in the sewerage system, with no particle being greater than one-half inch in dimension.~~

"Indirect discharge" or "discharge" - The introduction of pollutants into the water pollution control facility from a non-domestic source regulated under 307(b), (c) or (d) of the Act.

"Industrial User" or "user" - Any nonresidential user who discharges a sanitary or industrial waste effluent to the water pollution control facility.

"Industrial waste permit" - A permit to deposit or discharge industrial waste into any sanitary sewer as issued by the POTW.

"Influent" - The water, together with any wastes that may be present, flowing into a drain, sewer, receptacle or outlet.

"Industrial Waste" - Any substance resulting from any process of industrial, commercial, governmental and institutional concerns, manufacturing, business, trade, or research, including the development, recovery, or processing of natural resources, or from sources other than those generating waste defined as normal domestic sewage herein.

"Interference" - A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and,
- (2) Therefore is a cause of a violation of any requirement of the POTW's NPDES Permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued.
 - (a) Section 405 of the act;
 - (b) The Solid Waste Disposal Act (SWDA) 42 U.S.C. 6901 et seq. as amended through July 1, 2006 (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA);
 - (c) The standards for the use and disposal of sewage sludge (40 C.F.R. 503)
 - (d) The Clean Air Act (CAA) 42 U.S.C. 7401 et seq. as amended through July 1, 2006; and
 - (e) The Toxic Substances Control Act (TSCA) 15 U.S.C. 2601 et seq. as amended through July 1, 2006.

"Law Director" - The Director of Law of the City, or his authorized deputy, agent, or representative.

"May" - Is permissible.

"Major **Categorical** significant industrial user – **Categorical** SIU" - An industrial user that: A. Is subject to national categorical pretreatment standards,

B. Any other industrial user that discharges an average of 25,000 more than 100 gallons per day or more of process categorical wastewater (excluding sanitary,

noncontact cooling and boiler blowdown wastewaters) to the POTW or that contributes a process **waste stream** which makes up **five** zero point zero one percent (0.01%) or more of the average dry weather hydraulic or organic capacity of the POTW: or

- C. Is found by the City, State or the U. S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality or air emissions generated by the system.
- D. The Water/Wastewater Superintendent may at any time, on his own initiative or in response to a petition received from an industrial user, determine that a **non-categorical** industrial user is not a major significant industrial user if the industrial user has no reasonable potential to adversely affect the POTW's operation or for violating any pretreatment standard or requirement.

"Maximum daily discharge limitations" - The highest allowable daily discharge.

~~"Minor Significant Industry User—(SIU)"—Industrial user that:~~

- A. ~~Has a wastewater flow of less more than 25,000-100 gallons per average working day of industrial waste water.~~
- B. ~~Has no toxic pollutants in toxic amounts in its wastewater as defined in Section 307 of the Federal Act or state statutes or rules in its wastewater.~~
- C. ~~Has a process waste stream which makes up less more than five zero point zero one percent (.01%) of the average dry weather hydraulic or organic capacity of the POTW.~~
- D. ~~Has no toxic pollutants as defined pursuant to Section 307 of the Act or state statutes or rules in its wastewater.~~
- E. ~~Is found by the City, State or the U.S. Environmental Protection Agency (EPA) not to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality or air emissions generated by the system.~~

"NAICS" – the North American Industry Classification System is the standard used by federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing and publishing statistical data related to the U.S. business economy. NAICS was adopted in 1997 to replace the standard Industrial Classification (SIC) system. **"National Categorical Pretreatment Standard" or "Categorical Pretreatment Standard"** - Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users. And established under 40 CFR chapter I, subchapter N.

"National Pollutant Discharge Elimination System (NPDES) permit" - A permit issued by the State of Ohio EPA or United States EPA pursuant to the Act for the purpose of regulating the discharge of sewage, industrial wastes, and other wastes under the authority of Section 402 of the Act, into the navigable waters of the United States.

"National pretreatment standard" means any regulation of the USEPA, containing pollutant discharge limits promulgated by the 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.

"New Source" –

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced 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 that:

- (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
 - (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.
- (2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1) (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
- (a) Begun, or caused to begin, as part of a continuous onsite construction program
 - (i) any placement, assembly, or installation of facilities or equipment; or
 - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

A. ~~Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(C) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:~~

- ~~(1) The building, structure, facility or installation is constructed at a site at which no other source is located;~~
- ~~(2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or,~~
- ~~(3) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.~~

- ~~B. Construction on site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraph (2) or (3) of this definition, but otherwise alters, replaces, or adds to existing process or production equipment.~~
- ~~C. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:~~
- ~~(1) Begun or caused to begin as part of a continuous onsite construction program:

 - ~~(i) Any placement, assembly, or installation of facilities or equipment; or~~
 - ~~(ii) Significant site preparation work including clearing, excavation, or removal of existing buildings structures, or facilities that is necessary for the placement, assembly, or installation of new source facilities or equipment; or~~~~
 - ~~(2) Entered into a building contractual obligation for the purchase of facilities or equipment that is intended to be used in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.~~

"Non-significant industrial user" - An industrial user that:

- A. Has a wastewater discharge flow of less than 25,000 ~~one hundred (100)~~ gallons per average working day of industrial waste water.
- B. Is found by the City, State or US EPA to have no impact on the wastewater treatment system, the quality of sludge, the system's effluent quality or air emissions generated by the system.
- C. Discharges domestic wastewater which is compatible with the wastewater treatment plant operational processes.
- D. Discharges domestic or background concentrations of wastewater which are compatible with the wastewater treatment plant operational processes.

"Non-significant categorical industrial user" is an industrial user subject to 40 CFR chapter I, subchapter N that the control authority may determine is a non-significant categorical industrial user rather than a significant user on a finding that the industrial user does not discharge more than one hundred gallons per day (GPD) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blow-down wastewater, unless specifically included in the categorical pretreatment standard) and the conditions in the following paragraphs A through C of this definition are met:

- A. The industrial user, prior to the control authority's finding has consistently complied with all applicable categorical pretreatment standards and requirements;
- B. The industrial user annually submits the certification statement required in paragraph (J) of rule 3745-3-06 of the Administrative Code together with any additional information necessary to support the certification statement;
- C. The industrial user never discharges any untreated concentrated wastewater; and

"OEPA" - The Ohio Environmental Protection Agency, or where appropriate, "OEPA" or "EPA" may also be used as a designation for the administrator or other duly authorized official of that agency.

"Other wastes" - Decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals and all other substances except sewage and industrial wastes.

"Pass through" - A discharge which exits the POTW 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 POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

"Pass through" – means a discharge that exits the POTW into waters of the state in quantities or concentrations that alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

"Person" - Any and all persons, natural or artificial, including any individual, firm, company, private corporation, partnership, co-partnership, joint stock company, trust, association, institution, enterprise, or other legal entity, or their representatives, agents, or assigns. The masculine gender shall include the feminine. The singular shall include the plural where indicated by the context.

"Publicly owned treatment works" or "POTW" - Treatment works which are ~~that is~~ owned or operated by a public authority, including the sewers, pumping stations, treatment facility, and any related appurtenances. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the public authority that has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

"Pollutant" - Any substance discharged into a POTW or its collection system, listed in Appendix A and B of this chapter (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 307.(a) of the Act).

"Pollutant Parameters"

- A. "Biochemical Oxygen Demand (BOD)." "BOD" of sewage, sewage effluent, polluted waters or industrial wastes means the quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five days at 90 degrees Celsius. The laboratory determinations shall be made in accordance with procedures set forth in Standard Methods.
- B. "Chemical Oxygen Demand (COD)." - "COD" of sewage, sewage effluent, polluted water 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.
- C. "Fecal coliform" - Any of a number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.
- D. "Floatable oil" - Fat or grease in a physical state, such that will separate by gravity from wastewater by treatment in an approved pretreatment facility.
- E. "Grease and oil" - A group of substances including hydrocarbons, fatty acids, soaps, fats, waxes, oils or any other material that is extracted by a solvent from an acidified sample and that is not volatilized during the laboratory test procedures. "Grease and oils" are defined by the method of their determination in accordance with Standard Methods.
- F. "Grease and oil of animal and vegetable origin" - Substances that are less readily biodegradable in nature such as are discharged by meatpacking, vegetable oil and fat industries, food processors, canneries and restaurants.

- G. "Grease and oil of mineral origin" - Substances that are less biodegradable than grease and oil of animal or vegetable origin; and are derived from a petroleum source. These substances include machinery lubricated oils, gasoline station wastes, petroleum refinery wastes and storage depot wastes.
- H. "pH" - The logarithm (to the base 10) of the reciprocal of the hydrogen ion concentration of a solution expressed in gram atoms per liter of solution.
- I. "Suspended solids" - 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. Quantitative determination shall be made in accordance with procedures set forth in Standard Methods.
- J. "Total solids" - the sum of suspended and dissolved solids.
- K. "Volatile organic matter" - The material in the sewage solids transformed to gases or vapors when heated at 550 degrees Celsius for fifteen to twenty minutes.
- L. Any other pollutant parameter deemed appropriate.

"Pollution" - An alteration of the quality of the waters of the State by waste to a degree which unreasonably affects the waters for beneficial uses or facilities which serve the beneficial uses. "Pollution" is further defined as the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

~~**"Pretreatment"** - The process of reducing the amount of pollutants, eliminating pollutants, or altering the nature of pollutant properties in wastewater prior to introducing such pollutants into the City's wastewater disposal system. The reduction, elimination, or alteration may be obtained by physical, chemical, or biological processes, process changes or other means, except as prohibited by this chapter.~~

"Pretreatment" means the reduction of the amount of pollutants, the elimination of the pollutants, or the alteration of the nature of the pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological treatment processes, by BMPs, by pollution prevention alternatives including process changes, material substitutions, improved operating practices and recycling, or by other means, except as prohibited by paragraph (E) of rule 3745-3-09 of the Administrative Code.

"Pretreatment requirements" means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user or POTW.

"Pretreatment standard" means a discharge limit related to pretreatment that is imposed on an industrial user by this chapter or by local ordinance or control mechanism, including categorical pretreatment standards, prohibitive discharge limits established pursuant to rule 3745-3-04 of the Administrative Code, local limits established pursuant to paragraph (C)(4) of the rule 3745-3-04 of the Administrative Code, and any enforceable schedule designed to achieve compliance with such limit.

"Process wastewater" means any water that, during manufacturing or processing, comes into contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product, except noncontact cooling water and sanitary wastewater.

"Process wastewater pollutants" means pollutants present in process wastewater.

"PSES" means categorical pretreatment standards for existing sources.

"PSNS" means categorical pretreatment standards for new sources.

"Public Authority" means a municipal corporation, the governing board of a county, a sanitary district established pursuant to Chapter 6115. Of the Revised Code, a sewer

district established pursuant to Chapter 6117. Of the Revised Code, a conservancy district under Chapter 6101. of the Revised Code, or any other special district owning or operating a POTW in accordance with section 6111.032 of the Revised Code.

"Receiving stream" - The watercourse, stream or body of water receiving the waters finally discharged from the POTW.

"Sanitary sewer" or "Sewer" - Any pipe, conduit, ditch, or other device used to collect and transport sewage from the generating source to the POTW.

"Sewage"- water-carried human wastes or a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments.

"Shall" - Is mandatory.

"Significant industrial user" means any of the following, except as provided in paragraph (C) of this rule:

A. Any industrial user subject to categorical pretreatment standards, except the industrial users considered non-significant categorical industrial users, as defined in paragraph (N) of this rule.

B. Any other industrial user that meets one of the following:

1. Discharges an average of twenty-five thousand gallons per day or more of process wastewater to the POTW (process wastewater excludes sanitary, non-contact cooling and boiler blowdown wastewaters).

2. Contributes a process waste stream that makes up five per cent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant.

3. Is designated as such by the control authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

C. Upon finding that an industrial user designated as a significant industrial user for meeting the criteria in paragraph (C) of this rule has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the control authority may at any time, on the control authority's own initiative or in response to a petition received from an industrial user or POTW, and in accordance with paragraph (C)(6) of rule 3745-3-03 of the Administrative Code, determine that such industrial user is not a significant industrial user.

~~**"Significant noncompliance"**—Any violation of pretreatment requirements (discharge limits, sampling, analysis, reporting and meeting compliance schedules and other regulatory deadlines) is an instance of noncompliance for which the industrial user is~~

~~liable for enforcement, including penalties. Instances of significant noncompliance are industrial user violations which meet one or more of the following criteria:~~

- ~~A. Chronic violations of wastewater discharge permits: sixty-six percent (66%) or more of the measurements exceed the same daily maximum limit or the same average limit in a six-month period (any magnitude of exceedance).~~
- ~~B. Technical review criteria (TRC) violations: thirty-three percent (33%) or more of the measurements exceed the same daily maximum limit or the same average limit by more than the TRC in a six-month period. There are two groups of TRC's:

 - ~~1. Group I for conventional pollutants (BOD, TSS, fats, oil and grease):
TRC = 1.4 (discharge limit + 40%)~~
 - ~~2. Group II for all other pollutants: TRC = 1.2 (discharge limit + 20%)~~~~
- ~~C. Any other violation(s) of a discharge limit (instantaneous, average, daily maximum or BMP's) that the City believes has caused, alone or in combination with other discharges, interference (for example, slug loads) or pass-through, or endangered the health of the treatment plant personnel or the public. Any discharge of a pollutant that has caused eminent endangerment to human health/welfare or to the environment and has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge.~~
- ~~D. Violations of compliance schedule milestones contained in a discharge permit or enforcement order, for starting construction and attaining final compliance by ninety days or more after the schedule date.~~
- ~~E. Failure to provide reports for compliance schedules, self-monitoring data or national categorical standards (baseline monitoring reports, ninety-day compliance reports and periodic reports) within thirty-fourty-five days from the due date.~~
- ~~F. Failure to accurately report noncompliance.~~

~~G. Any other violation or group of violations that the City considers to be significant.~~
“Significant Noncompliance” – for purposes of this provision, an industrial user is in significant noncompliance if its violation meets the criteria in paragraph (C), (D), or (H) of this definition. A significant industrial user is in significant noncompliance if its violation meets any of the following criteria:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six per cent or more of all the measurements taken for the same pollutant parameter at any permitted monitoring point during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits;
- B. Technical review criteria (TRC) violations, defined here as those in which thirty-three percent or more of all measurements taken for the same pollutant parameter at any permitted monitoring point during a six-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, and 1.2 for all other pollutants except pH);
- C. Any other violation of a pretreatment standard or requirement as defined by paragraph (N) of rule 3745-3-01 of the Administrative Code (daily maximum or longer-term average, instantaneous limit, or narrative standard) that the control authority determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);

- D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (B) of this definition to halt or prevent such a discharge;
- E. Failure to meet, within ninety days after the schedule date, a compliance schedule milestone contained in the local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within forty- five days after the due date, required reports such as baseline monitoring reports, reports on compliance with compliance schedules or other reports required by the control authority;
- G. Failure to accurately report noncompliance; or
- H. Any other violation or group of violations, including a violation of **BMP's** that the control authority determines adversely affects the operation or implementation of the local pretreatment program.

"Sludge" - Any solid, semi-solid, or liquid waste generated by a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other waste having similar characteristics and effects.

"Slug load" - Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with or pass through the POTW.

"Standard Industrial Classification (SIC)" - A classification pursuant to the Standard Industrial Classification issued by the Executive Office of the President, Office of Management and Budget, 1972.

"Superintendent" - The Water/Wastewater Superintendent or authorized representative.

"Toxic amount" - 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.

"Toxic pollutant" - Those substances referred to in Section 307(a) of the Act as well as any other known potential substances capable of producing toxic effects.

"Unpolluted water" - Water of a quality that has not been altered chemically, physically, biologically or radiologically by man or that would not benefit by discharge to sanitary sewer and subsequent wastewater treatment.

"Upset" - An exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with pretreatment standards due to factors beyond the reasonable control of the discharger, 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.

"User" - Same as "industrial user".

"U.S. EPA" or "EPA" - The U.S. Environmental Protection Agency, or where appropriate, "U.S. EPA" or "EPA" may also be used as a designation for the administrator or other duly authorized official of that agency.

"Water Pollution Control Facility (WPCF)" - Treatment works which are owned by the City, including the sewers, pumping stations, treatment facility, and any related appurtenances.

"Wastewater constituents and characteristics" - The individual chemical, physical, bacteriological and radiological parameters, including volume, flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity and strength of wastewater.

"Wastewater discharge permit" or "industrial discharge permit" - A formal permit to discharge industrial waste into the POTW, as issued by the City.
(Ord. 4361. Passed 5-10-11.)

REGULATIONS

935.03 RIGHT TO REJECT WASTES.

If any waters or wastes are discharged or proposed to be discharged to the POTW which do not comply with the provisions of this chapter, or in the judgement of the Water/Wastewater Superintendent will not comply with this chapter, the Water/Wastewater Superintendent may:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition for discharge to the POTW; and/or,
- (c) Require payment to cover the added cost of handling and treating the wastes under the provisions of Section 935.28.
(Ord. 4005. Passed 4-9-96.)

935.04 GENERAL DISCHARGE PROHIBITIONS.

(a) Dilution. No user shall increase the use of process water or dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with any pretreatment standard or requirement. This shall not prohibit the use of equalization tanks utilized to regulate flows.

(b) Pass Through and Interference. No User shall discharge or cause to be discharged, directly or indirectly, any pollutants which by their nature or concentration will pass through or cause interference with the operation of performance of the POTW.

(c) Specific Prohibitions. In addition, the following pollutants shall not be introduced into the POTW:

- (1) Pollutants which create a fire or explosion hazard in the POTW including, but not limited to, **waste streams** with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test method specified in 40 CFR 261.21.
- (2) 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 humans or animals, or to exceed the limitations set forth in this chapter. A toxic pollutant shall include but not be limited to any pollutant identified in the priority pollutant list set forth in Appendix A of this chapter.

- (3) Any substance which may cause the POTW's effluent or treatment residues, sludges or scums to be unsuitable for reclamation or 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 Section 405 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, Resource Conservation and Recovery Act or State standards applicable to the sludge management method being used.
- (4) Pollutants which will cause corrosive or structural damage to the POTW, but in no case discharges with a pH lower than ~~6.5~~ 5.0 or higher than 9.5 Standard Units.
- (5) Solid or viscous substances in amounts which will cause obstruction to the flow in the POTW or otherwise interfere with their proper operation. Prohibited substances include, but are not limited to, grease, uncomminuted garbage, manure, hair, feathers, sand, spent lime, grass clippings, and similar substances.
- (6) Any slug load discharge.
- (7) Heated wastewater which will cause the temperature at the introduction into the POTW to exceed 40°C (104°F) or inhibit biological activity in the wastewater treatment processes.
- (8) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through the POTW and not to exceed 100 mg/L at any time.
- (9) Any liquids, solids, or gases which either singly or by interaction result in toxic or malodorous gases, vapors or fumes which cause a public nuisance, health and safety problems, or danger to POTW workers.
- (10) Any substance with objectionable color not removed in the treatment processes such as, but not limited to, dyes and tanning solutions.
- (11) Any unpolluted waters which will increase the hydraulic loading on the plant including, but not limited to, any storm water, surface water, groundwater, roof run-off water, subsurface drainage, uncontaminated cooling water or uncontaminated industrial process waters. This applies strictly to all new connections. All existing connections may be approved or rejected after review of hardship and/or other considerations by the Water/Wastewater Superintendent.
- (12) Any wastewater containing any radioactive wastes or isotopes.
- (13) Any trucked or hauled pollutants, including septage and industrial waste, except at locations and times designated by the Water/Wastewater Superintendent
- (14) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW

(d) When the Water/Wastewater Superintendent determines that a discharger is contributing any substances in such amounts as to interfere with the operation of the POTW, the Water/Wastewater Superintendent shall:

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

(Ord. 4361. Passed 5-10-11.)

935.05 LIMITATIONS ON WASTEWATER STRENGTH.

(a) Federal Requirements. 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 industrial users which are subject to such standards.

41

Industrial Pretreatment

935.06

(b) State Requirements. State requirements and limitations on discharges to the POTW shall be met by all dischargers which are subject to those standards in any instance in which they are more stringent than federal requirements and limitations or those in this or any other applicable chapter.

(c) Local Requirements. No discharger shall discharge or cause or allow to be discharged into the sewerage system any pollutant in concentrations above those specifically permitted in a wastewater discharge permit issued by the City. Discharge permits shall impose maximum discharge concentration limits or mass based limits where appropriate.

(d) Variances. The Water/Wastewater Superintendent reserves the right to grant a variance of discharge limitations to dischargers as referred to and in accordance with OAC 3745-3-09-K1 09-(I)(1) and as defined in CFR Sections 403.6(e), 403.7, 403.13 and 403.15, upon request of the discharger.

(Ord. 4361. Passed 5-10-11.)

935.06 PRETREATMENT OF WASTEWATER.

(a) Pretreatment Facilities. Users shall provide wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Sections 935.04 and 935.05 within the time limitations specified by EPA, the State, or the City, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Superintendent for review, and shall be acceptable to the Superintendent before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this chapter.

(b) Additional Pretreatment Measures.

- (1) Whenever deemed necessary, the Superintendent may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this chapter.
- (2) The Superintendent may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

- (3) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Superintendent and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.

- (4) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter. (Ord. 4005. Passed 4-9-96.)

935.07 RIGHT OF CITY TO CONVERT UNITS.

Limit Conversion. Local limits and categorical pretreatment standards expressed in terms of concentration may be converted to mass discharge limitations at the discretion of the City. Categorical pretreatment standards which specify mass limitations may alternately be converted to concentration limits when deemed appropriate by the City. (Ord. 4005. Passed 4-9-96.)

935.08 ACCIDENTAL DISCHARGES.

(a) Protection Procedures.

- (1) Each discharger shall provide protection from accidental (slug) discharge other than an upset as defined in Section 935.08(b) of prohibited or regulated materials or substances established by this chapter. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the discharger's cost and expense.
- (2) Detailed **plans** called Slug Load Discharge Control Plan showing facilities and operating procedures to provide this protection shall be submitted to the Water/Wastewater Superintendent for review, and shall be approved by the Water/Wastewater Superintendent prior to construction of the facility or otherwise determined to be necessary by the water/wastewater superintendent. Each existing discharger shall be evaluated by the water/wastewater superintendent complete its plan and submit the plan to the Water/Wastewater Superintendent within 180 days from the effective date of this chapter once per wastewater contribution permit cycle.
- (3) No discharger who discharges to the City POTW after the aforesaid date shall be permitted to introduce pollutants into the system until accidental discharge protection procedures have been approved by the Water/Wastewater Superintendent.
- (4) Review and approval of the plans and operating procedures by the Water/Wastewater Superintendent shall not relieve the discharger from the responsibility to modify its facility as necessary to meet the requirements of this chapter.

(b) Upset Notification. Any user which experiences a failure of a pretreatment system which results in an unintentional or temporary state of noncompliance with this chapter due to factors beyond reasonable control, shall inform the Superintendent as soon as possible, but not later than twenty-four (24) hours after the beginning of the upset.

Where information is given orally, the user shall file a written report with the Water/Wastewater Superintendent within five (5) days. The report shall include:

- (1) A description of the incident, its cause and its impact on the user's compliance status;
- (2) The duration of noncompliance, including exact dates and times of noncompliance. If the noncompliance continues, the time by which compliance is reasonably expected to be attained; and,
- (3) All steps taken or to be taken to reduce, eliminate or prevent recurrence of the conditions of noncompliance.

43

Industrial Pretreatment

935.10

(c) Bypasses of pretreatment facilities are prohibited and the City may pursue enforcement action unless the user receives prior written approval for bypass from the City. (Ord. 4361. Passed 5-10-11.)

935.09 NOTIFICATION OF CHANGES IN DISCHARGE.

(a) All industrial users shall notify the City 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 CFR 403.12(P). (Ord. 4005. Passed 4-9-96.)

(b) Significant Industrial Users are required to notify the Superintendent immediately of any changes at its facility affecting the potential for a Slug Discharge.

ADMINISTRATION

935.10 WASTEWATER DISCHARGE PERMIT APPLICATION.

(a) Permit Required. It shall be unlawful to discharge industrial wastes to the POTW without first making application for obtaining and complying with requirements stipulated in a wastewater discharge permit issued by the City.

(b) Permit Application. All significant industrial users, and other users as may be required by the Water/Wastewater Superintendent, shall submit an application for a wastewater discharge permit to the Water/Wastewater Superintendent at least 90 days prior to connecting to or discharging to the POTW. All existing significant industrial users connected to or discharging to the POTW, and which have not previously applied for a wastewater discharge permit, shall apply for a discharge permit within 180 days of the effective date of this chapter. All new sources shall give estimates of the information requested in paragraphs (4) through (7). Each application shall include:

- (1) Name and address of applicant;
- (2) A list of any environmental control permits held by the facility;
- (3) A description of operations, including the nature, rate of production and Standard Industrial Classification (SIC) of the operation(s). This description shall include a schematic process diagram which indicates the point(s) of discharge to the POTW;
- (4) Measured average daily and 30-minute peak wastewater flow, in million gallons per day, including daily, monthly and seasonal variations, if any. All flows shall be measured unless other verifiable techniques are approved by the City due to cost or feasibility.

- (5) Results of sampling and analysis of regulated pollutants from each regulated process. For pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics a minimum of four (4) grab samples must be analyzed. For all other pollutants a minimum of one (1) 24 hour flow proportional composite sample must be obtained. Samples should be taken immediate downstream of pretreatment facilities if such exist or immediately downstream of regulated processes if no pretreatment facilities exist. The samples shall be representative of the daily operations;
- (6) Raw materials utilized and their amounts;
- (7) Type and amount of product produced. For industrial users subject to equivalent mass or concentration limits established by the Superintendent, this report shall include a reasonable measure of the user's long term production rate. For industrial users subject to production based standards, this report shall include the user's actual production during the appropriate sampling period;

- (8) Where additional pretreatment and/or operation and maintenance activities will be required to comply with this chapter, the discharger shall provide a declaration of the shortest schedule by which the discharger will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:
 - A. The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the discharger to comply with the requirements of this chapter including, but not limited to, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction and all other acts necessary to achieve compliance with this chapter.
 - B. Under no circumstances shall the Water/Wastewater Superintendent permit a time increment for any single step directed toward compliance which exceeds twelve months.
 - C. Not later than fourteen days following each milestone date in the schedule and the final date for compliance, the discharger shall submit a progress report to the Water/Wastewater Superintendent, 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 these progress reports to the Water/Wastewater Superintendent.
- (9) All sewers shall have an inspection and sampling structure accessible at all times to the City for use in sampling the industry's discharge to assure compliance with this chapter.
- (10) The permit application shall be signed by an authorized representative of the discharger pursuant to OAC or as defined in 935.02.

(c) Permit Acceptance. The Water/Wastewater Superintendent shall evaluate the data furnished by the discharger and may require additional information. After evaluation and acceptance of the data furnished, the Water/Wastewater Superintendent may issue a wastewater discharge permit subject to terms and conditions provided therein. The Water/Wastewater Superintendent reserves the right to reevaluate all industrial dischargers at any time and require a permit to be issued.

(d) Each IU is required to notify the Superintendent of any significant changes to the IU's operations or system which might alter the nature, quality or volume of its waste water at least thirty (30) days before the change. (Ord. 4361. Passed 5-10-11.)

935.11 WASTEWATER DISCHARGE PERMIT CONDITIONS.

(a) Permit Conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and any other applicable regulations, user charges and fees established by the City. Permits may contain the following specific conditions:

- (1) Statement of duration including issuance and expiration dates.
- (2) Limits on average and maximum allowable levels of wastewater discharge constituents and characteristics.

45

Industrial Pretreatment

935.10

- (3) Limits on average and maximum rate and time of discharge or requirements for flow regulation or equalization.
- (4) Requirements for installation and maintenance of inspection monitoring and sampling facilities and equipment.
- (5) Schedules for attaining compliance.
- (6) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests, and reporting requirements.
- (7) Requirements for maintaining and retaining pretreatment facility records relating to wastewater discharge as specified by the City, and affording the City access thereto.
- (8) 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 treatment system.
- (9) Requirements for notification of slug discharges.
- (10) Requirements for submission of technical reports or discharge reports.
- (11) Requirements for developing and implementing spill and slug control plans.
- (12) Applicable charges and fees.
- (13) Other conditions as deemed necessary by the Water/Wastewater Superintendent to ensure compliance with this Chapter.
- (14) Limits based on "Best Management Practices" or "BMPs" as listed in OAC 3745-3-04.

(b) Permit Duration.

- (1) Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than one year or may be stated to expire on a specific date.
- (2) All permit holders shall apply for permit reissuance a minimum of 180 days prior to the expiration of the existing permit.

- (3) The terms and conditions of the permit may be subject to modification by the City during the term of the permit as limitations or requirements as identified in Sections 935.04, 935.05 and 935.08 are modified or other just cause exists. The permit holders shall be informed of any proposed changes in its permit at least thirty days prior to the effective date of change.
 - (4) Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- (c) **Non-transferability.** Wastewater discharge permits are issued to a specific industrial discharger for a specific operation. A wastewater discharge permit shall not be reassigned, transferred or sold to a new owner, industrial discharger or different premises without written consent from the Water/Wastewater Superintendent following procedures established by the water/wastewater superintendent.
- (d) Permit Revisions.
- (1) The City reserves the right to amend any wastewater discharge permit issued hereunder in order to assure compliance by the City with applicable pretreatment standards and requirements. Industrial users with an effective discharger permit shall be informed of any proposed changes to the permit at least thirty (30) days prior to the effective date of any such changes. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

- (2) Within twelve (12) months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permits of dischargers subject to the standard shall be revised to require compliance with the standard within the time frame prescribed by the standard.
- (3) Where a discharger subject to a national categorical pretreatment standard has not previously submitted an application as required by Section 935.10(b), the discharger shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable national categorical pretreatment standard.
(Ord. 4361. Passed 5-10-11.)

935.12 COMPLIANCE REPORTS.

- (a) Baseline Monitoring Reports (BMR).
- (1) Existing sources shall submit a BMR within 180 days of promulgation of a new national categorical pretreatment standard.
- (2) A new source shall submit an Initial Compliance Report (ICR) to accompany its permit application at least ninety days prior to commencement of the introduction of wastewater into the POTW. Sampling requirements are the same for the BMR.
- (3) The BMR shall include information on pretreatment methods and provide the nature and concentration of all pollutants and discharge flow rate as set forth in 40 CFR 403.12(b), as amended. New sources shall install and have in operating condition and shall start up all pollution control equipment required to meet applicable standards before beginning to discharge into the POTW. Within ninety days after commencement of discharge, new sources shall meet all applicable standards as set forth in 40 CFR 403.6(b), as amended. The BMR shall also include documentation indicating

compliance with a BMP when determined to be necessary by the Water/Wastewater Superintendent.

(b) Ninety-Day Compliance Reports.

- (1) Within ninety days following the date for final compliance by the discharger with applicable national categorical pretreatment standards set forth in its permit or ninety days following the commencement of discharge to the POTW by a new source, any discharger subject to these regulations shall submit to the Superintendent a report indicating the nature and concentration of prohibited or regulated pollutants in the discharge which are limited by the pretreatment standards thereof.
- (2) 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, where cost or feasibility considerations justify, the Water/Wastewater Superintendent may accept reports of average and maximum flows estimated by verifiable techniques.

(c) Additional periodic compliance reports shall be submitted by all categorical and **non-categorical** users at a frequency specified in the permit, indicating the nature and concentration of all prohibited or regulated pollutants in the discharge. These reports shall also include a record of all measured average and maximum flows during the reporting period, the results of sampling analyses and any other information required by the City. If a discharger's sampling data indicates a violation, the discharger shall notify the Superintendent within twenty-four hours of becoming aware of the violation. The discharger shall then repeat the sampling and analysis and submit the results to the Superintendent within thirty days unless the City samples the user's discharge.

47

Industrial Pretreatment

935.13

(d) All sampling and analysis for purposes of reporting shall conform to 40 CFR 136. Grab samples are required for pH, hexavalent chromium, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. All other pollutant samples shall be measured by flow proportional sampling unless justification for an alternate sampling type, representative of the discharge, and is documented in the industrial user file.

(e) All reports required under this section shall contain a statement indicating whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O and M and/or pretreatment is necessary to bring the discharger into compliance with applicable pretreatment standards or requirements.

(f) All reports shall be certified to and signed by an authorized representative of the discharger in accordance with 40 CFR 403.6(a)(2)(ii) or 935.02 and OAC 3745-3-06(F).

(g) Submission of documentation indicating compliance with BMP when determined to be necessary.

(h) Multiple grab samples collected during a twenty- four-hour period may now be composited prior to analysis as follows: for hexavalent chromium, cyanide, total phenols, and sulfides the samples may now be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may now be composited in the laboratory. Protocols (including appropriate preservation) specified in 40 C.F.R. 136 and appropriate U.S. EPA guidance must be followed.

(i) If a violation is detected through sampling and analysis conducted by the City in lieu of the industrial user, the City shall perform the repeat sampling and analysis within thirty (30) days of becoming aware of the violation unless it notifies the user of the violation and requires the user to perform the repeat sampling and analysis. (Ord. 4361. Passed 5-10-11.)

935.13 COMPLIANCE SCHEDULES.

When in the opinion of the Water/Wastewater Superintendent, it becomes necessary for industrial users to install technology or provide additional operation and maintenance (O and M) to meet any condition of this chapter or applicable administrative order, the Water/Wastewater Superintendent shall require the development of the shortest schedule by which the industrial user will provide this additional technology or O and M.

- (a) 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 months.
- (b) Not later than 14 days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the Water/Wastewater Superintendent including, at a minimum, whether or not it complied with the increment of progress to be met on such 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 to return to the schedule established.

(Ord. 4005. Passed 4-9-96.)

935.14 MONITORING FACILITIES.

Each industrial user, as directed by the Water/Wastewater Superintendent shall install and operate, at the user's own expense, a monitoring facility to allow inspection, sampling, and flow measurement of each sewer discharge to the City. Each monitoring facility shall be situated on the discharger's premises. Where such a location would be impractical or cause undue hardship on the discharger, the City may concur with the facility being constructed in the public street or sidewalk area providing the facility is located so that it will be accessible at all times. There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis.

The monitoring facility shall have an inspection and sampling manhole or structure with an opening of no less than 24 inches in diameter and an internal diameter of no less than 48 inches and shall contain such flow measuring, recording, and sampling equipment as may be required by the City to ensure compliance with this chapter. 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. All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications. (Ord. 4005. Passed 4-9-96.)

935.15 INSPECTION AND SAMPLING.

The discharger shall allow the Water/Wastewater Superintendent or his representative to enter upon the premises of the discharger during any reasonable hour for the purposes of inspection, sampling, and records examination and copying to determine compliance with the requirements of this chapter. Where the industry has security measures in force which require proper identification and clearance before entry, the discharger shall make necessary arrangements so that the Water/Wastewater Superintendent or his representative will be permitted entry without delay. The City shall have the right to set up on the discharger's property necessary devices to conduct sampling, inspection, compliance monitoring, metering operations, or all of these. The City may require an industrial user to install flow monitoring facilities,

instruments, and recording devices to enable accurate measurement of flows as determined to be necessary. (Ord. 4361. Passed 5-10-11.)

935.16 CONFIDENTIAL INFORMATION.

Information and data furnished to the City with respect to the nature and frequency of discharge shall be available to the public or other government 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 trade secrets or proprietary information. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the City as confidential shall be made available to governmental agencies upon written request. (Ord. 4005. Passed 4-9-96.)

935.17 RECORDS RETENTION.

All industrial users shall retain and preserve for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence, and any and all summaries thereof, relating to monitoring, sampling, and chemical analyses made by or on behalf of an industrial user in connection with its discharge. All records which pertain to materials which are subject to administrative adjustment or any other enforcement or litigation activities brought by the City pursuant hereto 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. 4005. Passed 4-9-96.)

48A

Industrial Pretreatment

935.20

935.18 REPORTING REQUIREMENTS FOR CITY.

(a) The Water/Wastewater Superintendent shall forward pertinent information regarding changes in the national pretreatment categorical standards to industries affected.

(b) Industry shall also be adequately advised of changes to this chapter to permit industry compliance with this chapter.

(c) The City shall have the authority to develop and implement an Enforcement Response Plan (ERP) that contains detailed procedures indicating how the City will investigate and respond to instances of industrial user noncompliance. (Ord. 4005. Passed 4-9-96.)

(d) If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Superintendent, using the procedures prescribed in Section 6.11 of this ordinance, the results of this monitoring shall be included in the report.

CHARGES AND FEES

935.19 CHARGES AND FEES.

The City shall adopt charges and fees which may include:

- (a) Charges and fees for monitoring, inspections, and surveillance procedures, including all costs associated with sampling and analyses for Total Toxic Organics (TTOs) which may be required pursuant to categorical pretreatment requirements;
- (b) Charges and fees for permit applications;

- (c) Charges and fees for filing appeals;
- (d) Charges and fees for reviewing accidental discharge incidents and their associated investigation and analyses;
- (e) Charges and fees for reviewing plans for the construction of new or modified facilities relating to this chapter;
- (f) Cost recovery associated with City response to noncompliance issues. (Ord. 4361. Passed 5-10-11.)

935.20 SURCHARGES.

The user shall be surcharged a flat fee for the additional cost associated with treating the high strength wastewater if analysis reveals a user's average monthly discharge concentrations exceed the following average concentrations:

- (a) BOD - 200 mg/L or COD - 300 mg/L
- (b) TSS 250mg/L
- (c) Oil and Grease- 50 mg/L

Any surcharge assessed for excess pollutants shall be in addition to normal charges and shall not relieve the discharger of liability for inhibition, pass through or damage caused by such discharge. (Ord. 4005. Passed 4-9-96.)

935.21 STREETS, UTILITIES AND PUBLIC SERVICES CODE 48B

ENFORCEMENT

935.21 NOTIFICATION OF VIOLATION.

Whenever the City finds that any discharger has violated any provision of this chapter, its wastewater discharge permit, or an order of the City, the Water/Wastewater Superintendent shall serve written notice stating the nature of the alleged violation. No later than fourteen (14) days after the receipt date of this notice, the discharger shall respond in writing with an explanation of the violation and a plan for the satisfactory correction and prevention thereof. Submission of this plan in no way relieves the user of the liability for any violations occurring before or after receipt of the notice of violation. (Ord. 4005. Passed 4-9-96.)

935.22 COMPLIANCE ORDERS.

When the Water/Wastewater Superintendent finds that an industrial user has violated or continues to violate this chapter, its wastewater discharge permit, or an order of the City or court of competent jurisdiction, he may issue a written order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices. (Ord. 4005. Passed 4-9-96.)

935.23 EMERGENCY SUSPENSION OF SERVICE AND DISCHARGE PERMITS.

The City may, with good cause shown and prior written notice, suspend the wastewater treatment service and the wastewater discharge permit of a discharger when it appears to the City 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, or interferes with the operation of the POTW. Any discharger notified of the suspension of the City's wastewater treatment service or the discharger's wastewater discharge permit, shall immediately cease all discharge. In the event of a User's failure to immediately comply voluntarily with the suspension

order, the City shall take such steps as deemed necessary, including immediately severing or plugging of the sewer connection. The City shall reinstate wastewater treatment service or a wastewater discharge permit and terminate any judicial proceedings upon proof by the discharger of the elimination of the noncomplying discharge or conditions creating the threat of imminent or substantial danger as set forth above. (Ord. 4005. Passed 4-9-96.)

935.24 REVOCATION OF PERMIT.

The City may revoke the wastewater discharge permit and treatment services of any discharger which violates any condition of this chapter, its permit, or an order of the City. (Ord. 4005. Passed 4-9-96.)

49

Industrial Pretreatment

935.28

935.25 RIGHT OF INTERPRETATION.

Any discharger or any interested party shall have the right to request in writing an interpretation or ruling by the City on any matter covered under this chapter and shall be entitled to a prompt written reply.

(Ord. 4005. Passed 4-9-96.)

935.26 RIGHT OF APPEAL.

Any discharger found by the Water/Wastewater Superintendent to have violated any provision of this chapter, its wastewater discharge permit or an order of the City shall have the right to appeal the Superintendent's findings to the Board of Control. The appeal shall be perfected by filing a notice of appeal which states the reasons therefor with the Superintendent no more than seven (7) days following the issuance of his order, notice or other proposed sanction. Within seven (7) working days, the Superintendent shall then transmit the notice, his order, notice or other proposed sanction to the Board of Control.

Within seven (7) working days after receiving the notice of appeal and other papers from the Superintendent, the Board of Control shall fix a time for a hearing of the appeal and shall give the discharger at least twenty (20) days prior written notice of the time and place of the hearing.

The discharger and the Superintendent shall have the right to appear before the Board and to be represented by counsel at the hearing. The Board shall receive any relevant evidence and testimony offered by either as it shall determine. Testimony received at the hearing shall be under oath. The Board of Control shall then affirm, modify or reverse the finding of the Superintendent. The Board of Control shall also prepare written conclusions of the facts found by it, its decision and its reasons therefor. The Board shall determine its own procedures not inconsistent with these provisions. (Ord. 4005. Passed 4-9-96.)

935.27 ANNUAL PUBLICATIONS.

At least annually, the City shall publish a list of all dischargers or significant industrial users which at any time during the previous twelve months were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, significant noncompliance shall be as defined within Section 935.02.

(Ord. 4005. Passed 4-9-96.)

PENALTIES

935.28 RECOVERY OF COSTS INCURRED BY THE CITY.

Any discharger violating any provision of this chapter, their wastewater discharge permit, or any order of the City which results in damage or impairment of the City's wastewater treatment system or which results in excessive costs of treatment shall be liable to the City for

any expense, loss, or damage caused by such violating discharge. The City shall bill the discharger for the costs incurred as a result of the discharge. (Ord. 4005. Passed 4-9-96.)

935.29 STREETS, UTILITIES AND PUBLIC SERVICES CODE 50

935.29 ADMINISTRATIVE FINES.

(a) The Water/Wastewater Superintendent may assess, on a strict liability basis, except where this chapter expressly provides for an affirmative defense, administrative fines not to exceed 1,000 dollars per violation against any person who violates any provision of this chapter. Each day or portion thereof, when a violation occurs, shall be considered a separate violation.

(b) In determining the amount of an administrative fine, the Water/Wastewater Superintendent shall consider the magnitude and severity of the violation, history of past violations or compliance, economic advantage accrued by the violator due to the violation, and actions taken by the violator to comply with this chapter and the Emergency Response Plan.

(c) Any administrative fines assessed by the Water/Wastewater Superintendent may be added to the person's sewer service charge, and the Water/Wastewater Superintendent shall have such collection remedies as provided to collect other service charges.

(d) Any person assessed an administrative fine pursuant to this section may appeal the action of the Water/Wastewater Superintendent as provided for in Section 935.26. (Ord. 4361. Passed 5-10-11.)

935.99 PENALTY.

The City may commence an action for appropriate legal and/or equitable relief in the appropriate courts with respect to the conduct of a discharger contrary to the provisions of this chapter.

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

(b) Civil Penalties. Any discharger who is found to have violated any provision of this chapter, their wastewater discharge permit, or any order of the City shall be subject to the imposition of a civil penalty of up to 1,000 dollars 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 shall be entitled to recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the discharger.

(c) Criminal Penalties. Any person or persons who intentionally or willfully violate any provision of this Chapter, their wastewater discharge permit, or any order of the City or any person or persons that allow a violation to continue after becoming aware of said violation shall be guilty of a misdemeanor in the first degree.

(d) Falsifying Information. Any person or persons who knowingly make any false statement, representation or certification in any application, record, report, plan or document filed or required to be maintained pursuant to this chapter, any wastewater discharge permit, or any order of the City, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method, shall be guilty of a misdemeanor in the first degree. (Ord. 4005. Passed 4-9-96.)

50A Industrial Pretreatment

APPENDIX A PRIORITY POLLUTANTS

- | | |
|-------------------------------------|-------------------------------------|
| 1. asbestos (fibrous) | 2. cyanide (total) |
| 3. antimony (total) | 4. arsenic (total) |
| 5. beryllium (total) | 6. cadmium (total) |
| 7. chromium (total) | 8. copper (total) |
| 9. lead (total) | 10. mercury (total) |
| 11. nickel (total) | 12. selenium (total) |
| 13. silver (total) | 14. thallium (total) |
| 15. zinc (total) | 16. acenaphthene |
| 17. acenaphthylene | 18. acrolein |
| 19. acrylonitrile | 20. aldrin |
| 21. anthracene . | 22. benzene |
| 23. benzidine | 24. Benzo(a)anthracent |
| 25. benzo(a)pyrene | 26. 3,4-benzo(b)fluoranthene |
| 27. benzo(g,h,i)perylene | 28. benzo(k)fluoranthene |
| 29. a-BHC (alpha) | 30. b-BHC (beta) |
| 31. d-BHC (delta) | 32. g-BHC (gamma) |
| 33. bis(2-chloroethyl)ether | 34. bis(2-chloroethoxy)methane |
| 35. bis(2-chloroisopropyl)ether | 36. bis(2-ethylhexyl)phthalate |
| 37. bromoform | 38. bromomethane(methylbromide) |
| 39. 4-bromophenylphenyl ether | 40. butylbenzyl phthalate |
| 41. carbon tetrachloride | 42. chlordane |
| 43. chlorobenzene | 44. chloroethane |
| 45. 2-chloroethylvinyl ether | 46. chloroform |
| 47. chloromethane (methyl chloride) | 48. 2-chloronaphthalene |
| 49. 2-chlorophenol | 50. 4-chlorophenylphenyl ether |
| 51. chrysene | 52. 4,4'-DDD |
| 53. 4,4'-DDE | 54. 4,4'-DDT |
| 55. dibenzo (a,h) anthracene | 56. dichlorobromomethane |
| 57. 1,2-dichlorobenzene | 58. 1,3-dichlorobenzene |
| 59. 1,4-dichlorobenzene | 60. 3,3-dichlorobenzidine |
| 61. dichlorodibromomethane | 62. 1, 1-dichloroethylene |
| 63. 1,2-dichloroethane | 64. 1,1-dichloroethene |
| 65. trans-1,2-dichloroethene | 66. 2,4-dichlorophenol |
| 67. 1,2-dichloropropane | 68. (cis/trans) 1,3-dichloropropene |
| 69. dieldrin | 70. diethyl phthalate |
| 71. 2,4-dimethylphenol | 72. dimethyl phthalate |
| 73. di-n-butyl phthalate | 74. di-n-octyl phthalate |
| 75. 4,6-dinitro-o-cresol | 76. 2,4-dinitrophenol |
| 77. 2,4-dinitrotoluene | 78. 2,6-dinitrotoluene |
| 79. 1,2-diphenylhydrazine | 80. endosulfan I |

APPENDIX A (Continued)

- | | |
|---------------------------------|---|
| 81. endosulfan II | 82. endosulfan sulfate |
| 83. endrin | 84. endrin aldehyde |
| 85. ethylbenzene | 86. fluoranthene |
| 87. fluorene | 88. heptachlor |
| 89. heptachlor epoxide | 90. hexachlorobenzene |
| 91. hexachlorobutadiene | 92. hexachlorocyclopentadiene |
| 93. hexachloroethane | 94. indeno(1,2,3-cd)pyrene |
| 95. isophorone | 96. methylene chlorine |
| 97. naphthalene | 98. nitrobenzene |
| 99. nitrophenol | 100. 4-nitrophenol |
| 101. n-nitrosodimehtylamine | 102. n-nitrosodi-n-propylamine |
| 103. n-nitrosodiphenylamine | 104. PCB-1016 |
| 105. PCB-1221 | 106. PCB-12332 |
| 107. PCB-1242 | 108. PCB-1248 |
| 109. PCB-1254 | 110. PCB-1260 |
| 111. pentachlorophenol | 112. perachlorophenol |
| 113. phenanthrene | 114. phenol |
| 115. pyrene | 116. 2,3,7,8-tetrachlorodi-benzo-p-dioxin |
| 117. 1,1,2,2,-tetrachloroethane | 118. tetrachloroethylene |
| 119. toluene | 120. toxaphene |
| 121. 1,2,4-trichlorobenzene | 122. 1,1,1-trichloroethane |
| 123. 1,1,2-trichloroethylene | 124. trichloroethylene |
| 125. 2,4,6-trichlorophenol | 126. vinyl chloride |
- (Ord. 4005. Passed 4-9-96.)

RESOLUTION NO. 2568-19

A RESOLUTION AUTHORIZING THE TRANSFER OF AN APPROVED TAX ABATEMENT AT 1958 E. ST. RT. 36, URBANA, OHIO, WITHIN AN ENTERPRIZE ZONE AREA (EZ) FROM "URBANA MOB LLC" TO "COLUMBUS URBANA, LLC" UPON TRANSFER OF TITLE.

WHEREAS, the City of Urbana has areas designated as Enterprise Zones (EZ's) and Community Reinvestment Areas (CRA's) pursuant to the Ohio Enterprse Zone Act, which is contained in the Ohio Revised Code Sections 5709.61 through 5709.66, and Ohio Revised Code Chapter 3735; and

WHEREAS, the EZ Agreement for the real property located at 1958 E. St. Rt. 36, Urbana, Ohio was approved by Resolution 2497-16 on January 3, 2017 by and between the City of Urbana and "Urbana MOB, LLC"; and

WHEREAS, on or about November 20, 2019, "Urbana MOB, LLC" notified the Economic Development Director of the Champaign Economic Partnership (the "CEP") of its intent and desire to transfer the property subject to the aforementioned EZ Agreement to a newly formed LLC, to-wit: "Columbus Urbana, LLC"; and

WHEREAS, on or about November 20, 2019, "Urbana MOB, LLC" further notified the CEP a) that "Columbus Urbana, LLC" will be owned 100% by "Urbana MOB, LLC", b) that "Urbana MOB, LLC's" ownership has not been modified since the date of the Agreement, that c) all of the provisions of the executed Ohio Enterprise Zone Agreement shall remain intact and in full force and effect post transfer, and that d) following the transfer, Memorial Health will remain the sole tenant at the property, leasing 100% of the space under the same Tenant lease that was originally executed;

NOW THEREFORE, IN RELIANCE UPON THE REPRESENTATIONS OF "URBANA MOB, LLC", ABOVE, BE IT RESOLVED BY URBANA CITY COUNCIL THAT

Section 1: The tax abatement approved for the real property located at 1958 E. St. Rt. 36, Urbana, Ohio is hereby approved to transfer from "Urbana MOB, LLC" to "Columbus Urbana, LLC" under the same terms and conditions as previously authorized, and upon transfer of title, through their term, expiring January 31, 2027, all subject to the annual TIRC review.

Section 3: Formal actions and discussion of City Council concerning this legislation were conducted in open meetings in compliance with Ohio Revised Code §121.22 and Urbana Codified Ordinance §107.01.

Council President

Passed: _____

Attest: _____

Council Clerk

This reselution approved by me this ____ day of _____, 2019.

Mayor

As to Form: Walter M. Forster
Director of Law



Hplex Solutions

New Directions for Healthcare

November 20, 2019

Ms. Marcia Bailey
Economic Development Director
Champaign Economic Partnership
3 Monument Square
Urbana, OH 43078

Dear Marcia:

Urbana MOB LLC, the owners of the land and building located at 1958 E. US Highway 36, Urbana, Ohio (Parcel # - K482511034900500) (together, the "Property"), is in the process of transferring the Property to a newly formed limited liability company, Columbus Urbana, LLC. We anticipate that such transfer will occur on or before December 31, 2019 at the current value of the Property.

-RECITALS-

- The Property was previously granted a 10-year 75% Real Estate Tax Exemption in accordance with that certain Ohio Enterprise Zone Agreement executed on January 5, 2017 and attached to this letter (the "Agreement").
- Columbus Urbana, LLC will be owned 100% by Urbana MOB LLC at the time of transfer, and Urbana MOB LLC's ownership has not been modified since the date of the Agreement.
- All of the provisions of the executed Ohio Enterprise Zone Agreement shall remain intact and in full force and effect post transfer.
- Following the transfer, Memorial Health will remain the sole tenant at the Property, leasing 100% of the space under the same Tenant Lease that was originally executed.

It is our understanding that this transfer will need to be expressly authorized and approved in writing by both the City of Urbana's Council and the Champaign County Commissioners. Therefore, Urbana MOB LLC respectfully requests that the City of Urbana's Council and the Champaign County Commissioners each provide written approval (1) to the transfer to Columbus Urbana, LLC of the existing tax exemption for the Property and (2) to the assignment of the Ohio Enterprise Zone Agreement from Urbana MOB LLC to Columbus Urbana, LLC.

It is our hope that this can be accomplished in early December (Urbana Council on December 3, 2019 and Champaign County Commissioners on December 5, 2019).

We thank you for your help regarding this matter.

Respectfully Submitted,

Denny Freudeman
Managing Member, Urbana MOB LLC

Ohio Enterprise Zone Agreement
City of Urbana
& Champaign County

Tax Abatement

Urbana MOB LLC

15 Year
Tenant Lease
100% of the Building

Memorial
Health

30,000 sf building and
underlying land
transferred at the current value

Tax Abatement
Transfers to new
Entity

Columbus
Urbana, LLC

The current lease remains in full force and effect
The only change is the landlord is now Newco.

OHIO ENTERPRISE ZONE AGREEMENT

This agreement made and entered into by and between the City of Urbana, Ohio, a municipal corporation with its main offices located at 205 South Main Street in Urbana, Ohio 43078 (hereinafter referred to as the "City of Urbana"), Urbana MOB LLC, an Ohio Corporation and property owner, with its main offices located at 640 A Enterprise Drive Lewis Center, OH 43035, and Memorial Hospital of Union County, a county entity organized under Chapter 339 of the Ohio Revised Code that leases land from Urbana MOB LLC, with its main offices located at 500 London Ave. Marysville, OH 43040 (hereinafter referred to as "Memorial Health").

WITNESSETH;

WHEREAS, the City of Urbana has encouraged the development of real property in the area designated as an Enterprise Zone; and

WHEREAS, Urbana MOB LLC is the property owner of land in Urbana, OH at Urbana Commons E US Hwy 36 PUD Sub Area E, parcel K482511034900500 and leases the land to Memorial Health; and

WHEREAS, Memorial Health is desirous of a significant expansion to lease a new 30,000 square foot medical ambulatory care building to provide healthcare services to Urbana and acquire equipment, create and preserve employment opportunities (hereinafter referred to as the "PROJECT") within the boundaries of the aforementioned Enterprise Zone, provided that the appropriate development incentives are available to support the economic viability of said PROJECT; and

WHEREAS, the Council of the City of Urbana, Ohio by Ordinance No. 3916 adopted April 27, 1993, designated the area at Scioto St (easterly from Monument Square) as an "Enterprise Zone" pursuant Chapter 5709 of the Ohio Revised Code; and

WHEREAS, effective May 11, 1993, the Director of Development of the State of Ohio determined that the aforementioned area designated in said Ordinance No. 3916 contains the characteristics set forth in R.C. 5709.61(A) and certified said area as an Enterprise Zone under said Chapter 5709; and

WHEREAS, the City of Urbana having the appropriate authority for the stated type of project is desirous of providing Urbana MOB LLC incentives available for the development of the PROJECT by the lessee, Memorial Health, with incentives available for the development of the PROJECT in said Enterprise Zone under Chapter 5709 of the Ohio Revised Code; and

WHEREAS, Urbana MOB LLC and Memorial Health has submitted a proposed agreement application (herein attached as "Exhibit A") to the City of Urbana (hereinafter referred to as "APPLICATION"); and

WHEREAS, Urbana MOB LLC has remitted the required state application fee of \$750.00 made payable to the Ohio Development Services Agency with the application to be forwarded with the final agreement; and

WHEREAS, the Director of Administration of the City of Urbana has investigated the application of Urbana MOB LLC and Memorial Health and has recommended the same to the Council of the City of Urbana on the basis that Memorial Health is qualified by financial responsibility and business experience to create and preserve employment opportunities in said Enterprise Zone and improve the economic climate of the City of Urbana; and

WHEREAS, the project site as proposed by Urbana MOB LLC and Memorial Health is located in the Urbana City Schools District and the Ohio Hi-Point Career Center and the Board of Education of the

Urbana City Schools District have been notified in accordance with Section 5709.83 and been given a copy of the APPLICATION; and

WHEREAS, pursuant to Section 5709.62(C) and in conformance with the format required under Section 5709.631 of the Ohio Revised Code, the parties hereto desire to set forth their agreement with respect to matters hereinafter contained;

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties herein agree as follows:

1. Urbana MOB LLC shall construct a new 30,000 square feet medical ambulatory care building for Memorial Health to lease and provide healthcare services to Urbana. Said facilities are located on Urbana Commons E US Hwy 36 PUD Sub Area E, parcel K482511034900500 City of Urbana, Ohio.

The PROJECT will involve a total investment by Urbana MOB LLC and Memorial Health of \$9,900,000.00, plus or minus 10%, at Urbana Commons E US Hwy 36 PUD Sub Area E, parcel K482511034900500 City of Urbana, Ohio site. The PROJECT will begin second quarter 2017 and all acquisition, construction and installation will be completed by second quarter 2018. Any changes to the beginning and completion dates must be agreed to by formal resolution and an amended agreement. The total investment of this EXPANSION project is greater than 10% of the assessed value of the agricultural land \$8,470.00.

2. Memorial Health current employment level in Urbana, OH is 16 and the current annual payroll is \$1,161,000.00. Memorial Health shall create and retain jobs at the project site per the following schedule:

Retain 16 full-time permanent job opportunities through Memorial Health best efforts immediately after the commencement of construction.

The retention of the above job opportunities will maintain the current annual payroll of \$1,161,000.00

Create 12 full-time permanent job opportunities within April 2018 and April 2023. This will result in a payroll increase of \$1,400,000.00 above the existing payroll.

3. Urbana MOB LLC and Memorial Health shall provide to the proper Tax Incentive Review Council (TIRC) any information reasonably required by the TIRC to evaluate the enterprise's compliance with the agreement, including returns filed pursuant to section 5711.02 and 5727.08 of the Ohio Revised Code if requested by the council.
 - a. Memorial Health shall, based on a best faith effort, give preference to residents of the City of Urbana, relative to non-residents of the City of Urbana when hiring new employees under this agreement.
 - b. Memorial Health will annually provide statistics on the number of City of Urbana residents employed at the Urbana Commons E US Hwy 36 PUD Sub Area E, parcel K482511034900500 City of Urbana, Ohio site.
 - c. Memorial Health shall maintain membership with Champaign County Chamber of Commerce and support the Champaign Economic Partnership.
 - d. Urbana MOB LLC and Memorial Health shall commit to having representation at the annual TIRC meeting.

4. The City of Urbana hereby grants Urbana MOB LLC a tax exemption for eligible real property improvements made to the project site in conjunction with the PROJECT pursuant to Section 5709.62, 5709.63 or 5709.632 of the Ohio Revised Code and shall be in the following amounts:

<u>Year of Tax Exemption</u>	<u>Tax Exemption Amount</u>
Year 1-10	75%

The exemption commences the first year for which the real property would first be taxable were that property not exempted from taxation. No exemption shall commence after January 31, 2017 nor extend beyond January 31, 2027.

Urbana MOB LLC and Memorial Health must file the appropriate tax forms (DTE 24) with the County Auditor and (#913) with the State Department of Taxation to effect and maintain the exemptions covered in the agreement. The #913 Ohio tax form must be filed annually.

5. The Council of the City of Urbana hereby waives the annual fee equal to the greater of one percent of the dollar value of incentives offered under the agreement or minimum of five hundred dollars.
6. Urbana MOB LLC shall pay such real property taxes as are not exempted under this agreement and are charged against such property and shall file all tax reports and returns as required by law. If Urbana MOB LLC fails to pay such taxes or file such returns and reports, all incentives granted under this agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter.
7. The City of Urbana shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.
8. If for any reason the Enterprise Zone designation expires, the Director of the Ohio Development Services Agency revokes certification of the zone, or the City of Urbana revokes the designation of the zone, entitlements granted under this agreement shall continue for the number of years specified under this agreement, unless Urbana MOB LLC or Memorial Health materially fails to fulfill its obligations under this agreement and the City of Urbana terminates or modifies the exemptions from taxation granted under this agreement.
9. If Urbana MOB LLC or Memorial Health materially fails to fulfill its obligations under this agreement, other than with respect to the number of employee positions estimated to be created or retained under this agreement, or if the City of Urbana determines that the certification as to delinquent taxes required by this agreement is fraudulent, the City of Urbana may terminate or modify the exemptions from taxation granted under this agreement and may require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under this agreement under the following formula: within one year, the reimbursement level will be 100%, between one (1) and two (2) years, 80%, between two (2) and three (3) years, 60%, between three (3) and four (4) years, 40%, between four (4) and ten (10) years, 20%.
10. Urbana MOB LLC and Memorial Health hereby certify that at the time this agreement is executed, neither Urbana MOB LLC, nor Memorial Health owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and neither owes delinquent taxes for which Urbana MOB LLC or Memorial Health is liable under Chapter

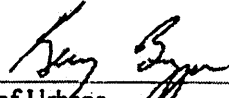
5733, 5735, 5739, 5741, 5743, 5747, or 5753. of the Revised Code, or, if such delinquent taxes are owed, Urbana MOB LLC or Memorial Health currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against Urbana MOB LLC or Memorial Health. For the purposes of the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Revised Code governing payment of those taxes.

11. Urbana MOB LLC and Memorial Health affirmatively covenant that neither entity owes: (1) any delinquent taxes to the State of Ohio or a political subdivision of the State; (2) any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State; and (3) any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not.
12. Urbana MOB LLC, Memorial Health and the City of Urbana acknowledge that this agreement must be approved by formal action of the legislative authority of the City of Urbana and Champaign County as a condition for the agreement to take effect. This agreement takes effect upon such approval.
13. The City of Urbana has developed a policy to ensure recipients of Enterprise Zone tax benefits practice non-discriminating hiring in its operations. By executing this agreement, Memorial Health is committing to following non-discriminating hiring practices acknowledging that no individual may be denied employment solely on the basis of race, religion, sex, disability, color, national origin, or ancestry.
14. Exemptions from taxation granted under this agreement shall be revoked if it is determined that either Urbana MOB LLC or Memorial Health, any successor enterprise, or any related member (as those terms are defined in Section 5709.61 of the Ohio Revised Code) has violated the prohibition against entering into this agreement under Division (E) of Section 3735.671 or Section 5709.62, 5709.63, or 5709.632 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections.
15. In any three-year period during which this agreement is in effect, if the actual number of employee positions created or retained by Memorial Health is not equal to or greater than seventy-five percent of the number of employee positions estimated to be created or retained under this agreement, Urbana MOB LLC shall repay the amount of taxes on property that would have been payable had the property not been exempted from taxation under this agreement during that three-year period. In addition, the City of Urbana may terminate or modify the exemptions from taxation granted under this agreement.
16. Urbana MOB LLC and Memorial Health affirmatively covenant that neither has made any false statements to the State or local political subdivision in the process of obtaining approval for the Enterprise Zone incentives. If any representative of Urbana MOB LLC or Memorial Health has knowingly made a false statement to the State or local political subdivision to obtain the Enterprise Zone incentives, Urbana MOB LLC and Memorial Health shall be required to immediately return all benefits received under the Enterprise Zone Agreement pursuant to ORC Section 9.66 (C)(2) and shall be ineligible for any future economic development assistance from the State, any state agency or a political subdivision pursuant to ORC Section 9.66(C)(1). Any person who provides a false statement to secure economic development assistance may be guilty of falsification, a misdemeanor of the first degree,

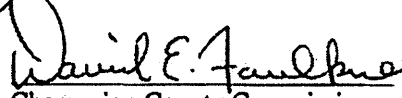
pursuant to ORC 2921.13(D)(1), which is punishable by a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months."

17. This agreement is not transferrable or assignable without the express, written approval of the City of Urbana.

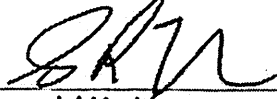
IN WITNESS WHEREOF, the City of Urbana Ohio, by the Director of Administration, and pursuant to Resolution No. 2341; and, Urbana MOB LLC by Aaron Greene, its CEO; and, Memorial Health by Spence Fisher, its CEO, have all caused this instrument to be executed on this day of 5th, of January, 2017.




City of Urbana
Director of Administration



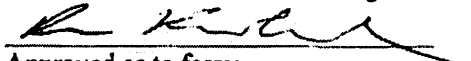
Champaign County Commission
President




Memorial Health
CEO EVP/Acting CEO



Urbana MOB LLC do Hides Editor
CEO-SVP
Urbana, IL
Managing Member



Approved as to form:
City of Urbana Law Director



Approved as to form:
Champaign Co Prosecutor's Office

RESOLUTION 2497-16

RESOLUTION OF THE CITY OF URBANA COUNCIL ADOPTING THE ENTERPRISE ZONE AGREEMENT BY AND BETWEEN THE CITY OF URBANA AS THE MUNICIPAL CORPORATION, URBANA MOB LLC AS THE PROPERTY OWNER AND THE MEMORIAL HOSPITAL OF UNION COUNTY AS THE ENTERPRISE AND LESSEE

WHEREAS, the City of Urbana, by Ordinance No. 3916 adopted April 27, 1993, designated the areas at Urbana Commons PUD Sub Area E as an "Enterprise Zone" pursuant to Chapter 5709 of the Ohio Revised Code; and

WHEREAS, effective May 11, 1993, the Director of Development of the State of Ohio determined that the aforementioned areas designated in said Ordinance No. 3916 contains the characteristics set forth in Section 5709.61(A) of the Ohio Revised Code and certified said areas as an Enterprise Zone under said Chapter 5709; and

WHEREAS, the City of Urbana has encouraged the development of real property and the acquisition of real property located in the areas designated as an Enterprise Zone; and

WHEREAS, the City of Urbana as the municipal corporation will enter into an Enterprise Zone Agreement with Urbana MOB LLC, the property owner, and the Memorial Hospital of Union County, the enterprise and lessee, both located at Urbana Commons PUD Sub Area E for a tax exemption for 75% of the real property tax for a term of 10 years for a \$8,400,000 - \$9,000,000 project including the construction of a 30,000 square foot medical ambulatory care building acquisition of machinery, equipment furniture and fixtures and the creation and preservation of employment opportunities by April, 2023.

WHEREAS, the Memorial Hospital of Union County will create 12 (twelve) full time permanent job opportunities, retain 16 (sixteen) full time permanent job opportunities as a result of this Enterprise Zone Agreement. Creating an additional \$1,400,000.00 in payroll and retaining \$1,161,000; and

WHEREAS, the Urbana MOB LLC and Memorial Hospital of Union County, have applied for said Enterprise Zone Agreement; and

WHEREAS, the Enterprise Zone Agreement is required to be adopted by resolution approved by the Council of the City of Urbana.

NOW, THEREFORE, BE IT RESOLVED, BY THE URBANA CITY COUNCIL:

SECTION ONE: The terms of the Enterprise Zone Agreement between the City of Urbana, Urbana MOB LLC, and the Memorial Hospital of Union County, are hereby adopted as set forth in the preamble and the attached agreement (see Exhibit A).

SECTION TWO: The Director of Administration is authorized to sign and execute the Agreement on behalf of the City if so required.

SECTION THREE: This resolution shall take effect at the earliest time provided by law.

Marty Ness
Council President, City of Urbana

Passed: January 3, 2017

Attest: Amy Deere

This Resolution approved by me this 3rd day of January, 2017.

Bill Beam
Mayor, City of Urbana

