

# ~~Sewer Use Regulations~~

~~Columbus, Ohio~~

~~City Code Chapter 1145:  
Regulations Controlling Discharges  
to the Public Sewerage System,  
Effective November 30, 1990, including adopted Director's  
Regulations~~



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# Chapter 1145 SEWER USE REGULATIONS

## INDEX FOR COLUMBUS CITY CODE CHAPTER 1145

### **1145.00 – 1145.09 GENERAL PROVISIONS**

- 1145.01 Purpose and objectives
- 1145.02 Definitions
- 1145.03 Sewer service connections
- 1145.04 Certification statement
- 1145.05 Sewer design and construction specifications
- 1145.06 Connection to sewer
- 1145.07 Department property
- 1145.08 Amendments
- 1145.09 Separability

### **1145.10 – 1145.19 ADMINISTRATION**

- 1145.10 Powers of the Director
- 1145.11 Regulations
- 1145.12 Permits/Licenses
- 1145.13 Orders
- 1145.14 Limitations of connections
- 1145.15 Informant rewards
- 1145.16 Assessment of damages
- 1145.17 Regulation of effluent
- 1145.18 Fines levied against the City
- 1145.19 Spill abatement and mitigation

### **1145.20 – 1145.29 STANDARDS OF DISCHARGE**

- 1145.20 Prohibited discharges
- 1145.21 Discharge limits
- 1145.22 Schedule for compliance with categorical standards
- 1145.23 Storm water and surface drainage
- 1145.24 Dilution prohibited as a substitute for treatment
- 1145.25 Specific pollutant limits standards
- 1145.26 Pretreatment of wastewaters
- 1145.27 Equivalent concentrations and mass limits
- 1145.28 Influent pollutant credit

### **1145.30 – 1145.39 ACCIDENTAL DISCHARGES, BYPASSES, AND SPILLS**

- 1145.31 Prevention of accidental discharge
- 1145.32 Spill notification
- 1145.33 Operational upsets
- 1145.34 Treatment bypass
- 1145.35 Notice to employees
- 1145.36 Spill prevention, control and countermeasures plans

### **1145.40 – 1145.49 PERMITS FOR NONDOMESTIC USERS**

- 1145.41 Applicability
- 1145.42 Permit requirements
- 1145.43 Permit application
- 1145.44 Permit issuance process
- 1145.45 Continuation of expired permits
- 1145.46 Special agreements
- 1145.47 Enforceability
- 1145.48 Permit suspension/revocation
- 1145.49 Violation

### **1145.50 – 1145.59 INSPECTION, MONITORING, REPORTS, AND RECORDS**

- 1145.50 Required reports
- 1145.51 Right of entry
- 1145.52 Notification of changed discharge
- 1145.53 Monitoring, sampling, and flow measurement facilities
- 1145.54 Reports, general requirements
- 1145.55 Baseline monitoring report
- 1145.56 Initial compliance report
- 1145.57 Self-monitoring discharge report
- 1145.58 Records
- 1145.59 Confidentiality

### **1145.60 – 1145.69 WASTEHAULER REGULATIONS**

- 1145.60 Permits
- 1145.61 Trucked waste operators license
- 1145.62 Revocation
- 1145.63 Suspension
- 1145.64 Regulations
- 1145.65 Restrictions and prohibitions
- 1145.66 Prohibited activities
- 1145.67 Enforceability

### **1145.80 – 1145.89 ADMINISTRATIVE ENFORCEMENT**

- 1145.80 Notification of violation
- 1145.81 Show cause hearing
- 1145.82 Appeals to the Director
- 1145.83 Revocation of treatment services
- 1145.84 Emergency revocation of services
- 1145.85 Annual publication of significant noncompliance
- 1145.86 Public nuisance
- 1145.87 Contractor listings
- 1145.88 Federal or State enforcement
- 1145.89 Administrative fines

### **1145.90 – 1145.99 JUDICIAL REMEDIES**

- 1145.90 Legal action
- 1145.91 Civil penalty
- 1145.99 Criminal penalty



## Chapter 1145 SEWER USE REGULATIONS

~~ORD. No. 2706-90 — To amend Chapter 1145 of the Columbus City Codes, 1959, and repeal existing Chapter 1145, of the Columbus City Codes, 1959.~~

~~— WHEREAS, the City is the owner and operator of a sewer system and treatment works which serve the people of the City of Columbus and numerous other central Ohio communities; and~~

~~— WHEREAS, the U.S. EPA and Ohio EPA regulate the City's operation of this system, by which the City is required to control or prevent the introduction of deleterious materials into the system by the system's users; and~~

~~— WHEREAS, the U.S. EPA and Ohio EPA have mandated that all municipalities, including the City, maintain and strengthen their sewer use regulation in order to protect these sewer systems, treatment works, and the waters into which these systems discharge; and~~

~~— WHEREAS, incidents over the last two years concerning improper discharges from Industrial sources and by wastehaulers has demonstrated the need for the City to modify and enhance its sewer use regulations; now, therefore,~~

~~— BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:~~

~~— Section 1. That the Chapter 1145 of the Columbus City Codes, 1959, is hereby amended to read as follows:~~

~~— Chapter 1145~~

~~— Regulation of Sewer Use~~

### ~~1145.00--1145.09 GENERAL PROVISIONS~~

#### ~~1145.01 PURPOSE AND OBJECTIVES~~

~~The purpose of Chapter 1145 of the Columbus City Code is to set forth requirements for discharges into the sewer system, and to enable the Director to administer and enforce Chapter 1145, including the adoption of regulations and to protect the public health, in conformity with all applicable local, state and federal laws.~~

~~The objectives of this chapter are to:~~

- ~~(A) Prevent the introduction of pollutants into the sewer system, which will interfere with the operation of the sewer system, including interference with the City's use or disposal of resultant sludges.~~
- ~~(B) To prevent the introduction of pollutants into the sewer system which will pass through the POTW treatment plants, or otherwise be incompatible with treatment processes.~~
- ~~(C) To improve opportunities to recycle and reclaim Columbus treated wastewaters and sludges.~~
- ~~(D) To prevent adverse affects to the water quality of receiving waters, prevent damage to the environment, and prevent violation of any Federal or State discharge permit issued to the City. (Ord. 679-93.)~~

## Chapter 1145 SEWER USE REGULATIONS

### 1145.02 DEFINITIONS

Whenever used in this Chapter 1145, the meaning of the following words and terms shall be as defined in this section:

**1145.02.001** "Approved laboratory procedures" means the measurements, tests, and analyses of characteristics of water and wastes in accordance with analytical Federal guidelines as established in Title 40, Code of Federal Regulations, Part 136; or when none exists, as required by, or approved by, the regional Administrator of the United States Environmental Protection Agency; or when none exists, by the State of Ohio, or the Director.

**1145.02.002** "Biodegradable" means any material that is easily broken down by biologic processes used in the City's POTW treatment plant to nontoxic substances that exert an acceptable oxygen demand and/or nondeleterious effect on the receiving environment. The Director's opinion shall be the final determination of whether or not a material is biodegradable.

**1145.02.003** "BOD5" means 5-day Biochemical Oxygen Demand.

**1145.02.004** "Building drain" means that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other building drainage piping and conveys it to the building sewer.

**1145.02.005** "Bypass" means the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.

**1145.02.006** "Categorical Pretreatment Standard" means any regulation containing pollutant discharge limits promulgated by USEPA in accordance with section 307 (b) and (c) of the Clean Water Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR part 403.5.

**1145.02.007** "CERCLA" means Comprehensive Environmental Response, Compensation and Liability Act, as amended by the Superfund Amendment and Reauthorization Act (SARA), 42 U.S.C. Sec. 9601 et seq.

**1145.02.008** "CFR" means Code of Federal Regulations.

**1145.02.009** "City" means the City of Columbus, Ohio.

**1145.02.010** "City of Columbus Construction and Material Specifications Manual" means a manual designed by the Department of Public Service, which outlines specifications for construction of public works for the City of Columbus.

**1145.02.011** "Clean Water Act" or "CWA" means Federal Water Pollution Control Act, also known as the Clean Water Act, as amended 33 U.S.C. Sec. 1251 et seq., 86 Statutes 816, Public Law 92-500.

**1145.02.012** "COD" means Chemical Oxygen Demand.

**1145.02.013** "Combined sewer" means a sewer, which was designed to carry sanitary wastewater, industrial wastewater, and surface water runoff.

**1145.02.014** "Combined wastewater" means wastewater including any combination of sanitary wastewater, industrial wastewater, storm water, infiltration and inflow carried to the POTW treatment facilities by a sewer.

**1145.02.015** "Cooling water" means the unpolluted wastewater discharge from any system of heat transfer such as condensation, air conditioning, cooling or refrigeration.

**1145.02.016** "Day" means calendar day.

## Chapter 1145 SEWER USE REGULATIONS

~~1145.02.017 "Deleterious substance" means any material which may be harmful to the POTW, the POTW treatment plant processes, the health and safety of POTW workers, and/or the POTW effluents or residual products. (Ord. 2706-90.)~~

~~1145.02.018 "Department" means the Department of Public Utilities, City of Columbus, Ohio.~~

~~1145.02.019 "Director" means the Director of the Department of Public Utilities, City of Columbus, or the Director's duly authorized representative. (Ord. 478-92.)~~

~~1145.02.020 "Discharge" means the introduction of liquids or wastes into the sewer system.~~

~~1145.02.021 "Domestic origin waste" means waste materials which are removed from sewerage disposal systems such as septic tanks, aeration systems, portable toilets, and sewage holding tanks, which serve only household sources.~~

~~1145.02.022 "Domestic wastewater" means wastewater derived solely from household sources, business buildings, and institutions, exclusive of any industrial wastewater.~~

~~1145.02.023 "Fats, oils and greases" or "FOG" means any and all of a variety of substances as determined by extraction as in method '503 A. Partition Gravimetric Method' of the sixteenth edition of Standard Methods.~~

~~1145.02.024 "Flammable" means any substance that has a flashpoint of less than one hundred forty (140) degrees Fahrenheit.~~

~~1145.02.025 "gal" means gallon(s).~~

~~1145.02.026 "Household sources" means any source of wastewater limited to sanitary wastes from single and multiple family residences, hotels, motels, crew quarters, camp grounds, picnic grounds, and day use recreation areas. Household sources shall not include any industrial or commercial process wastewater.~~

~~1145.02.027 "Hydrocarbon fats, oils and greases" means those substances as detected and quantified by method '503 E. Hydrocarbons' of the sixteenth edition of Standard Methods.~~

~~1145.02.028 "Incompatible" means any wastewater that is deleterious or which degrades the quality of the POTW effluent or its sludges and/or residual products.~~

~~1145.02.029 "Industrial cost recovery" means the system for recovery of the industrial portion of the United States Environmental Protection Agency Project Grant funds, as required by CFR Title 40, Chapter 1, Subpart B, Parts 35.928 and 35.935-13, or subsequent revisions.~~

~~1145.02.030 "Industrial user" or "IU" means any person who discharges, or permits the discharge of Industrial Wastewater to the City's POTW.~~

~~1145.02.031 "Industrial wastewater" means any combination of liquid and water-carried wastes, discharged from any industrial or commercial establishment, and resulting from any trade or process carried on in that establishment, including the wastewater from pretreatment facilities and polluted cooling water. Any wastewater from nondomestic sources.~~

~~1145.02.032 "Interference" means a discharge which, alone or in conjunction with the 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; or~~

~~(B) 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 sewerage sludge use or disposal in compliance with state and federal statutory provisions and regulations or permits issued thereunder.~~

~~1145.02.033 "lb" means pounds.~~

## Chapter 1145 SEWER USE REGULATIONS

~~1145.02.034 "mg/l" means milligrams per liter.~~

~~1145.02.035 "Monitoring site" means a site accessible to the City for the collection of samples and/or flow data, and/or other parameters representative of the user's discharge to the POTW.~~

~~1145.02.036 "Natural outlet" means any outlet for discharge into a watercourse, pond, ditch, lake, or other body of surface water.~~

~~1145.02.037 "New source" means 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 Categorical Pretreatment Standards under Section 307(c) of the Clean Water Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, provided that:~~

~~(A) (1) The building, structure, facility or installation is constructed at a site 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.~~

~~1145.02.038 "Noncompliance" means any violation of this chapter.~~

~~1145.02.039 "Nondomestic user" means any user, which discharges wastewater other than from household sources.~~

~~1145.02.040 "Nondomestic wastewater" means wastewater that contains process or trade waste and includes wastes from other than household sources.~~

~~1145.02.041 "NPDES" means National Pollutant Discharge Elimination System.~~

~~1145.02.042 "NPDES permit" means a permit issued to the City pursuant to Section 402 of the Clean Water Act.~~

~~1145.02.043 "Operator" means the person responsible for the overall operation of a facility.~~

~~1145.02.044 "ORC" means the Ohio Revised Code.~~

~~1145.02.045 "Organic" means any compound containing carbon in any form other than carbonate.~~

~~1145.02.046 "Owner" means the person who owns a facility, or any part of a facility.~~

~~1145.02.047 "Pass-through" means a discharge which exits the POTW into the 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).~~

~~1145.02.048 "Person" means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or the legal representatives, agents or assigns of such entity or individual.~~

~~1145.02.049 "pH" means the logarithm (base ten) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution. The term pH is commonly used to indicate the acidity or alkalinity of a liquid.~~

~~1145.02.050 "Pollution" means the man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of water.~~

~~1145.02.051 "POTW" or "Publicly Owned Treatment Works" means a treatment works as defined by section 212 of the Clean Water Act, which is owned by the City. This definition~~

## Chapter 1145 SEWER USE REGULATIONS

includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature, including sewers, pipes and other conveyances that convey wastewater to a POTW Treatment Plant.

**1145.02.052** "POTW Treatment Plant" means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

**1145.02.053** "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, discharging such pollutants into a POTW, except means as prohibited by 40 CFR part 403.6(d).

**1145.02.054** "Public sewer" means any sewer owned by the City, suburb, or entity contracting with the City, including storm, sanitary, or combined sewers.

**1145.02.055** "Radioactive" means the property of a material providing spontaneous decay or disintegration of an unstable, atomic nucleus, accompanied by the emission of radiation.

**1145.02.056** "RCRA" or "Resource Conservation and Recovery Act" means the Solid Waste Disposal Act (SWDA), as amended by the Resource Conservation and Recovery Act of 1976 and amendments to the act, 42 U.S.C. Sec. 6901 et seq.

**1145.02.057** "Residential user" means any person who discharges sanitary wastes to the POTW that originates purely from the activities of human habitation. These discharges shall contain no process or trade wastes.

**1145.02.058** "SDWA" means the Safe Drinking Water Act, as amended, 42 U.S.C. Sec. 300f et seq.

**1145.02.059** "Sanitary sewer" means a sewer which by design is intended to carry sanitary wastewater and/or industrial wastes into which storm, surface and ground waters are not intentionally admitted.

**1145.02.060** "Sanitary wastewater" means the combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities of dwellings, office buildings, industrial plants or institutions.

**1145.02.061** "Severe property damage" means substantial physical damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources, which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

**1145.02.062** "Sewer system" means all of the facilities required to transport wastewater and stormwater from the premises of the source to the POTW treatment plant and/or waters of the state, including the treatment plant and any appurtenant devices.

**1145.02.063** "Sewer service charge" means the total monetary amount billable to a user for the provision of wastewater treatment and related activities.

**1145.02.064** "Significant industrial user" or "SIU" means:

(A) All dischargers subject to categorical pretreatment standards; and

(B) All noncategorical dischargers that, in the opinion of the director, have a reasonable potential to adversely affect the POTW's operation, or that contribute a process wastestream which makes up five (5) percent or more of the average dry weather, hydraulic, or organic capacity of the POTW treatment plant, or that discharge an average of twenty-five thousand (25,000) gallons per day, or more of process wastewater to the POTW. However, the director need not designate as significant, any noncategorical industrial user that, in the



## Chapter 1145 SEWER USE REGULATIONS

opinion of the director has no potential for adversely affecting the POTW's operation, or for violating any pretreatment standard or requirement.

(C) Any noncategorical industrial user designated as significant may petition the director to be deleted from the list of significant industrial users on the grounds that it has no potential for adversely affecting the POTW's operation, or violating any pretreatment standard or requirement.

**1145.02.065** "Significant noncompliance" means any violation that meets one (1) or more of the following criteria:

(A) Chronic violation of wastewater discharge limits, i.e., those in which sixty-six (66) percent or more of all the measurements taken during a six (6) month period exceed (by any magnitude) the daily maximum limit, or the daily average limit for the same pollutant parameter;

(B) Technical review criteria (TRC) violations defined as those in which thirty-three (33) percent or more of all the measurements taken during a six (6) month period equal or exceed the product of the daily average maximum limit, or the average limit times the applicable TRC (TRC equals 1.4 for BOD<sub>5</sub>, TSS, FOG; and 1.2 for all other pollutants except pH);

(C) Any other violation of a discharge effluent limit (daily maximum or daily average) that the director believes 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 danger to human health, welfare, or to the environment, and has resulted in the director's exercise of his emergency authority under Section 1145.84 of this chapter to halt or prevent such discharge;

(E) Violation, by ninety (90) days or more after the schedule date, of a compliance schedule milestone, contained in any permit or order issued under this chapter for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules within thirty (30) days of the due date;

(G) Failure to accurately and timely report noncompliance; or

(H) Any other violation, or group of violations which the director considers to be significant.

**1145.02.066** "Slug" means any pollutant, including oxygen demanding pollutants (BOD, etc.) released by a user to the POTW at a flow rate and/or pollutant concentration which may cause interference with the POTW, or any damage to POTW treatment processes, or pass-through the POTW and damage the environment or contaminate resultant sludges.

**1145.02.067** "SPCC" means spill prevention control, and countermeasures.

**1145.02.068** "Standard" means any limit or prohibition on discharges as provided for by this chapter.

**1145.02.069** "Standard industrial classification" or "SIC" means a classification pursuant to the most current edition of the Federal Standard Industrial Classification Manual, as published by the Executive Office of the President, Office of Management and Budget.

**1145.02.070** "Standard methods" means Standard Methods for the Examination of Water and Wastewater as published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Association. References are to the current edition unless otherwise indicated.

## Chapter 1145 SEWER USE REGULATIONS

~~1145.02.071 "Standard strength" means wastewater of strength equivalent to Domestic Wastewater, i.e. having TSS of 300 mg/l or less; BOD5 of 250 mg/l or less, and/or COD of 450 mg/l or less; and TKN of 40 mg/l or less.~~

~~1145.02.072 "S.U." means standard units.~~

~~1145.02.073 "State" means state of Ohio.~~

~~1145.02.074 "Storm sewer" means a sewer, which by design carries surface water runoff and drainage, and is not intended to carry sanitary wastewater, industrial wastes, or other polluted wastewaters.~~

~~1145.02.075 "TDS" means total dissolved solids.~~

~~1145.02.076 "TKN" means Total Kjeldahl Nitrogen.~~

~~1145.02.077 "TNFR" means total non-filterable residue.~~

~~1145.02.078 "TOC" means total organic carbon.~~

~~1145.02.079 "Toxic" means any pollutant, or combination of pollutants, listed as toxic in regulations promulgated by the Administrator of the USEPA, or under the provision of the Clean Water Act, Section 307(a) or other Acts.~~

~~1145.02.080 "Trucked waste disposal site" or "TWDS" means the location(s) designated by the director for receiving trucked wastes into the POTW.~~

~~1145.02.081 "Trucked wastes" means any materials, usually liquid, such as, but not limited to, wastes from septic tanks, aeration systems, portable toilets, sewerage holding tanks, and industrial processes which are collected at the source by tank truck for disposal elsewhere.~~

~~1145.02.082 "TSS" means total suspended solids.~~

~~1145.02.083 "ug/l" means micrograms per liter.~~

~~1145.02.084 "Unpolluted water" means water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable for disposal to storm or natural drainages, or directly to waters of the State.~~

~~1145.02.085 "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.~~

~~1145.02.086 "USC" means United States Code.~~

~~1145.02.087 "USEPA" means United States Environmental Protection Agency.~~

~~1145.02.088 "Used oil" means any oil that has been refined from crude oil (hydrocarbon FOG), used, and, as a result of such use, contaminated with chemical or physical impurities. Used oils include spent automotive lubricating oils, transmission and brake fluid, spent industrial oils such as compressor, turbine and bearing oils, hydraulic oils, metal working, gear, electrical, and refrigerator oils, railroad drainings, and spent industrial process oils. (Ord. 2706-90.)~~

~~1145.02.089 "User" means any person who contributes, causes, or permits the contribution of wastewater or stormwater into the city's sewer system or POTW. (Ord. 679-93.)~~

~~1145.02.090 "Wastewater" means the combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions including polluted cooling water.~~

## Chapter 1145 SEWER USE REGULATIONS

~~1145.02.091 "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, regardless of the depth of the strata in which underground water is located, which are situated wholly or partly within, or border upon this state, or are within its jurisdiction, except those private waters which do not combine or effect a junction with natural surface or underground water. (Ord. 2706-90.)~~

~~1145.02.092 "Photographic processing facility" means a facility, which processes images from silver-sensitized films and papers. This includes but is not limited to commercial photographic and film processing facilities, in-house photographic processing facilities, micro labs, printers, x-ray, and other medical/dental/industrial/institutional diagnostic facilities which use silver based imaging paper when processed produces a silver rich solution. (Ord. 1630-97 § 1 (part).)~~

~~1145.02.093 "Silver CMP" means the Code of Management Practice for Silver Dischargers, issued by the Silver Council and the Association of Metropolitan Sewerage Agencies (AMSA). The Silver CMP provides recommendations on technology, equipment and management practices for controlling silver discharges from facilities processing photographic materials. References are to the current edition unless otherwise indicated. (Ord. 1630-97 § 1 (part).)~~

~~1145.02.094 "Silver recovery" means the process of removing silver from silver rich solutions such as fixers, bleach fixers, washless stabilizers and low flow washes. (Ord. 1630-97 § 1 (part).)~~

~~1145.02.095 "Silver rich solution" means a solution containing sufficient silver such that cost effective recovery can be done either on-site or off-site within photographic processing facilities; such solutions include fix and bleach fix solution, stabilizers (e.g., plumbless stabilizers and chemical washes), low replenished (low-flow) washes, and all functionally similar solutions. It does not include such low silver solutions as used in developers, bleaches, stop baths, pre-bleaches, stabilizers, following washes and wash waters. (Ord. 1630-97 § 1 (part).)~~

### 1145.03 SEWER SERVICE AGREEMENTS

~~All agreements for sewer services between the city and any other political subdivision shall require the contracting political subdivision to adopt this chapter and amendments to this chapter as a local rule, regulation or ordinance of that political subdivision. (Ord. 2706-90.)~~

### 1145.04 CERTIFICATION STATEMENT

~~Whenever a Certification Statement is required to be submitted pursuant to this chapter or any director's regulation, order or permit pursuant to this chapter the statement must contain the following language and be signed by the duly authorized representative of the submittee: "I certify, under penalty of law, that this document, and all attachments were prepared under my direction or supervision, in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person(s) who manage the system, or those persons directly responsible for gathering the information, the information submitted, is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."~~

~~For the purpose of this section, duly authorized representatives of the submittee are the following individuals:~~

~~(A) If the submittee is a corporation, the statement shall be signed by a responsible corporate officer, authorized in writing by the corporation to represent the corporation. This written~~

## Chapter 1145 SEWER USE REGULATIONS

corporate authorization shall be submitted to the director. If the authorization is no longer accurate because a different individual or position having responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this section must be submitted to the director prior to, or together with, any reports to be signed by the new authorized representative. For the purpose of this section, a responsible corporate officer means:

- (1) 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
  - (2) The manager of one (1) or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons, or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000) (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (B) If the submittee is a partnership or sole proprietorship the statement shall be signed by a general partner or proprietor, respectively.
- (C) If the submittee is a Federal, State or local government entity, or their agent, the statement shall be signed by the principal executive officer or director, having responsibility for the overall operation of the discharging facility. (Ord. 2706-90.)

### **1145.05 SEWER DESIGN AND CONSTRUCTION SPECIFICATIONS**

- (A) All new sewers and connections to the treatment works must be properly designed and constructed in accordance with the City of Columbus Construction and Specifications Manual and Columbus City Codes, Chapters 1131 through 1143 inclusive.
- (B) Whenever required by the Division of Sewerage and Drainage, the user of any property serviced by a sewer carrying nonresidential wastewater shall install separators, as necessary, for the proper handling of liquid wastes containing grease, sand, oil or any other materials that may violate the provisions of this chapter. The design of any required separator shall be submitted for review and approval by the Director prior to installation. (Ord. 2706-90.)
- (C) Whenever a plumbing permit is required by Columbus City Code Chapter 4113, and grease separation is required, the applicant shall install grease interceptor(s) immediately outside of the building where there is easy access for cleaning. If the applicant demonstrates that installation of an outside interceptor is impractical to the satisfaction of the City, installation of grease trap(s) shall conform to all applicable regulations.

## Chapter 1145 SEWER USE REGULATIONS

### **1145.06 CONNECTION TO SEWER**

The owner of any house, building, or property which is used for human occupancy, employment, recreation, or other purposes, and abutting on any street, alley, right-of-way, or easement in which there is sewer service available, is required, at the owner's expense, to install suitable toilet facilities therein, and to connect such facilities by means of a building sewer (lateral) directly to the wastewater sewer. The owner is responsible for the maintenance of the building sewer (lateral) to the point of connection with the publicly owned wastewater sewer. This section shall not apply to any person served by a privately constructed, owned, operated and maintained wastewater sewer and wastewater treatment facility which discharges directly to a natural outlet in accordance with the provisions of this chapter and/or applicable State and Federal laws, where sewer service is not available. The Director shall promulgate regulations establishing when sewer service is deemed available. (Ord. 2706-90.)

### **1145.07 DEPARTMENT PROPERTY**

No person shall break, damage, destroy, deface, cover or tamper with any property of the Department including, but not limited to the POTW treatment works or appurtenant devices and structures such as buildings, sewers, manhole lids, treatment equipment; tangible property such as sampling equipment, flow monitoring equipment, signage, vehicles; or any other equipment, device, or property owned by the Department or which is under the Director's management. (Ord. 2706-90.)

### **1145.08 AMENDMENTS**

Amendments to this chapter may be made to assure compliance with all applicable local, State or federal laws and regulations, and for other reasons as necessary. Any changes or additions to this chapter shall not be in conflict with the general law and shall be made by ordinances enacted by the Columbus City Council. (Ord. 2706-90.)

### **1145.09 SEPARABILITY**

Each section, and each part of each section of this chapter of Columbus City Code is hereby declared to be an independent section, or part of a section, and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section, or any provision thereof, or the application thereof to any person or circumstances, is held to be invalid, the remaining sections, or parts of sections and the application of such provision to any person or circumstances, other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that this chapter of the Columbus City Code would have been adopted independently of such sections or parts of a section so held to be invalid. (Ord. 2706-90.)

## Chapter 1145 SEWER USE REGULATIONS

### ~~1145.10--1145.19 ADMINISTRATION~~

#### ~~1145.10 POWERS of the DIRECTOR~~

~~Except as otherwise provided herein, the Director or his designated agents shall administer, implement and enforce the provisions of this chapter. (Ord. 2706-90.)~~

#### ~~1145.11 REGULATIONS~~

~~The Director may adopt regulations necessary to administer and enforce the provisions of this chapter. Regulations promulgated, pursuant to this chapter by the Director shall be published in the City Bulletin, with copies of the regulations being available for public review at the Director's office and other locations which may be designated by the Director. No person shall violate any regulation adopted by the Director pursuant to this chapter. (Ord. 2706-90.)~~

#### ~~1145.12 PERMITS/LICENSES~~

~~The Director may issue permits and/or licenses to persons as provided by this chapter and regulations adopted pursuant to this chapter. No person shall violate any condition, term or provision of a permit or license issued by the Director. Upon due notification, and for just cause, the Director has the right to revoke any permit or license issued under this chapter. Any person holding a permit or license, which is revoked or suspended by the Director, may request a hearing to appeal the revocation.~~

~~(A) Such permits and licenses shall include but not be limited to:~~

- ~~(1) Industrial wastewater discharge permits.~~
- ~~(2) Trucked waste discharge permits.~~
- ~~(3) Underground storage tank area groundwater clean-up discharge permits (USTAGCUDP).~~
- ~~(4) Trucked waste operator's license.~~

~~(B) The Director may adopt regulations establishing permit and license fees as he determines necessary for the purposes of this chapter.~~

~~(C) Performance Bond. The Director may decline to reissue a permit to any person who has failed to comply with the provisions of this chapter, until such person first files with the Director a satisfactory bond, payable to the Division of Sewerage and Drainage, in a sum not to exceed a value to be determined by the Director to be necessary to achieve consistent compliance.~~

~~(D) Liability Insurance. The Director may decline to reissue a permit to any person who has failed to comply with the provisions of this chapter, until the person first submits proof that the person has obtained financial assurances sufficient to restore or repair damage to the sewerage system caused by the person's discharge. (Ord. 2706-90.)~~

~~(E) No nondomestic user shall discharge any wastewater or other material to the City POTW without an applicable discharge permit. No person shall discharge any liquid or other material to any storm sewer without express permission and a permit from the Director, and any applicable Federal or State permit. (Ord. 679-93.)~~

~~(F) The Director may exempt certain users and/or classes of users from the requirement for a discharge permit. (Ord. 2706-90.)~~

## Chapter 1145 SEWER USE REGULATIONS

### 1145.13 ORDERS

The Director may issue orders to any person as the Director deems necessary in order to administer and enforce the provisions of this chapter and regulations adopted pursuant to this chapter. No person shall violate any order issued to that person by the Director. Director's orders shall be served upon the affected person directly or served by certified mail. Any person issued an order by the Director may request a hearing to appeal the order.

(A) The Director may issue, but is not limited to the following type of orders.

- (1) ~~Consent Orders.~~ The Director may enter into consent orders, or other similar documents establishing an agreement with any person responsible for noncompliance. Such orders shall include specific action to be taken by the person to correct the noncompliance within a time period, also specified by the order.
- (2) ~~Compliance Orders.~~ When the Director finds that a person has violated, or continues to violate this chapter, he or she may issue an order to the person 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. The 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.
- (3) ~~Cease and Desist Orders.~~ When the Director finds that a person has violated, or continues to violate this chapter, the Director may issue an order to cease and desist all such violations and direct those persons in noncompliance to:
  - (a) Comply forthwith;
  - (b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge. (Ord. 2706-90.)

### 1145.14 LIMITATION OF CONNECTIONS

When it is found that sufficient capacity is not available in all facilities to handle additional connections to the sewer system, the Director may limit or prohibit the addition of new connections. (Ord. 2706-90.)

### 1145.15 INFORMANT REWARDS

The Director is hereby authorized to pay up to five hundred dollars (\$500.00) for information leading to the discovery of noncompliance by any person that leads to an administrative fine or civil or criminal penalty. This reward shall not be available to employees or agents of the City. (Ord. 2706-90.)

### 1145.16 ASSESSMENT OF DAMAGES

Whenever any person discharges any substance that causes an obstruction, damage, or any other impairment to the POTW or the sewer system, or any related expense of whatever character or nature to the City, the Director may assess the expenses incurred by the City to clear the obstruction, repair the damage to the POTW, and any other expenses or damages incurred by the City. Assessments made by the Director against a user may be added to the user's sewer service charge, and the Director shall have such collection remedies as he has to collect other service charges. (Ord. 2706-90.)

## Chapter 1145 SEWER USE REGULATIONS

### **1145.17 REGULATION OF EFFLUENT**

The director will instruct the division of sewerage and drainage to adhere to all conditions and regulations as stated in CFR Title 40, Part 403. (Ord. 2706-90.)

### **1145.18 FINES LEVIED AGAINST THE CITY**

In addition to other remedies available to the city set forth elsewhere in this chapter, if the city is fined by the Ohio EPA or USEPA for violation of the city's NPDES permits, or violation of water quality standards as the result of an industrial spill, or slug discharge of a compatible or incompatible pollutant, then the fine, including all city legal, sampling, analytical testing costs, and any other related costs may be charged to the responsible user. Such charge shall be in addition to, and not in lieu of, any other remedies the city may have under this chapter, statutes, regulations, at law or in equity. (Ord. 2706-90.)

### **1145.19 SPILL ABATEMENT AND MITIGATION**

When, in the opinion of the director, any environmental spill or discharge of any material to the sewer system or POTW poses a threat to damage any structure of the sewer system or POTW, or treatment process or sludge disposal practice of the POTW, or threatens the health or safety of any employees of the department, or could pass through the POTW, or threatens to cause violation of any federal or state discharge permit issued to the city, or threatens to cause damage to the environment; the director may order any clean-up, abatement, or mitigation action that he determines reasonable, including using a private contractor. Any and all expenses for any such action, including labor costs incurred by the city, shall be charged to the person responsible for the spill or discharge. When the responsible person above is a user, the director may add such charges to the user's sewer service charge, and the director shall have such collection remedies as he has to collect other service charges. Such charges shall be in addition to, and not in lieu of, any other remedies the city may have under this chapter, statutes, regulations, at law or in equity. (Ord. 679-93.)



## Chapter 1145 SEWER USE REGULATIONS

### ~~1145.20--1145.29 STANDARDS OF DISCHARGE~~

#### ~~1145.20 PROHIBITED DISCHARGES.~~

~~No person shall discharge, or cause to be discharged, directly or indirectly, any substance which causes an interference or pass through of the POTW, or which disrupts or inhibits the POTW, its treatment processes, operations, or its sludge processes, use, or disposal. No person shall discharge, or cause to be discharged, directly or indirectly, any substance which constitutes a slug. No person shall discharge or cause to be discharged, directly or indirectly, any of the following described substances into the sewer system:~~

~~(A) Any solid or viscous substance capable of causing obstruction to the flow in the sewers, or other interference with the proper operation of the sewer system, for example, but not limited to: construction materials, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, wood, plastic, fur, wax and/or fats, oils and greases.~~

~~(B) Any flammable or explosive substances, such as gasoline, kerosene, benzene, naphtha, or other substances having a flash point equal to or less than one hundred forty (140) degrees Fahrenheit as determined by closed cup method in accordance with approved analytical procedures.~~

~~(C) Any discharge that will cause the sewage temperature in the public sewer to be above one hundred twenty (120) degrees Fahrenheit (49\* C) after mixing with other flow in the public sewer at the nearest accessible point downstream from the user, or above one hundred four (104) degrees Fahrenheit (40\* C) at the influent to the POTW treatment facility, or above one hundred sixty (160) degrees Fahrenheit (71\* C) in the user's sewer at the nearest accessible point upstream from confluence with the public sewer system.~~

~~(D) Any discharge having corrosive properties capable of causing damage, corrosive structural damage, or hazard to the POTW, appurtenant devices, treatment process, health and safety of department employees, or which will impede the use and/or disposal of residual sludges or cause damage to the receiving water or the environment.~~

~~(E) Any discharge having a pH above 12.5 S.U. or a pH below 5.0 S.U. at any time.~~

~~(F) Any discharge containing toxic or poisonous substances in sufficient quantities to constitute a hazard to human beings or animals, or to create any hazard in the receiving waters.~~

~~(G) Any discharge which, by itself or in conjunction with others, results in toxic or noxious gases, vapors or fumes within the POTW or any point of the sewer system in a quantity that may cause acute worker health and safety problems.~~

~~(H) Any discharge which contains an objectionable color not removed by the POTW such as, but not limited to, dye wastes and vegetable tanning solutions.~~

~~(I) Any discharge containing radioactive waste except:~~

~~(1) When the user is authorized to use radioactive materials by the State Department of Health or other governmental agency empowered to regulate the use of radioactive materials; and~~

~~(2) When the waste is discharged in strict conformity with current regulations of the Ohio Environmental Protection Agency and the Nuclear Regulatory Commission regulations and recommendations for safe disposal; and~~

~~(3) When the user is in compliance with all rules and regulations of this chapter and all other applicable regulatory agencies; and~~

## Chapter 1145 SEWER USE REGULATIONS

~~(4) When there is no harmful effect on city personnel, sewer system, sludges, or receiving stream.~~

~~(J) Any used oil.~~

~~(K) Any discharge that results in an exceedance of ten (10) percent of the lower explosive limit in the air at any point within the POTW or sewer system. (Ord. 679-93.)~~

~~(L) Any discharge of silver-rich solutions from a photographic processing facility, unless such silver-rich solution is managed by a photographic processing facility in accordance with the Silver CMP prior to its discharge. (Ord. 1630-97 § 1 (part).)~~

### **1145.21 DISCHARGE LIMITS**

~~No user shall discharge wastes that exceed standards set in this chapter, or discharge or pretreatment (categorical or other) standards set by Ohio EPA or USEPA, whichever is more stringent. (Ord. 2706-90.)~~

### **1145.22 SCHEDULE FOR COMPLIANCE WITH CATEGORICAL STANDARDS**

~~Compliance by existing sources with categorical pretreatment standards shall be within three (3) years of the date the standard is effective, unless a shorter compliance time is specified in the appropriate Subpart of 40 CFR, Chapter I, Subchapter N. New sources shall install, and have in operating condition, and shall "start-up" all pollution control equipment required to meet applicable categorical pretreatment standards before beginning to discharge. Within the shortest feasible time (not to exceed ninety (90) days), new sources must meet all applicable categorical pretreatment standards. (Ord. 2706-90.)~~

### **1145.23 STORMWATER AND SURFACE DRAINAGE**

~~Except as otherwise provided by this chapter, no person shall connect roof, foundation, area way, parking lot, roadway, or other surface runoff or ground water drains to any sanitary sewer which is connected to the city's POTW treatment facility. Any such connections shall be considered illegal, and shall be subject to immediate removal by the owner of the premises so connected, and at such owner's expense.~~

~~(A) Stormwater shall be discharged into such sewers as are specifically designed and designated as storm or combined sewers. Such discharges shall be to storm sewers or to open drainage courses, rather than combined sewers, if both are reasonably available.~~

~~(B) Subfoundation building drains legally connected to sanitary sewers before the effective date of this section may be required to be removed, if it is established by the director that such connection is detrimental to the operation of the POTW, and that such removal is cost effective.~~

~~(C) All sanitary wastewater(s) must be discharged directly into a sanitary or combined sewer, or a private sewer that discharges to the public sanitary sewer system, except as otherwise provided by this chapter. (Ord. 679-93.)~~

## Chapter 1145 SEWER USE REGULATIONS

### **1145.24 DILUTION PROHIBITED AS A SUBSTITUTE FOR TREATMENT**

Except where expressly authorized to do so by an applicable categorical pretreatment standard or requirement, no industrial user shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a categorical pretreatment standard or requirement, or any other discharge limit specified in this chapter. (Ord. 2706-90.)

### **1145.25 SPECIFIC POLLUTANT LIMITS**

The Director shall adopt, revise, or rescind local limits by regulation pursuant to C.C. 1145.11. All Persons discharging pollutants to wastewater facilities owned by or under the jurisdiction of the City of Columbus shall meet the applicable local limits as established by rule of the Director.

- (A) Mass limitations are available only to a user discharging a combined total of less than ten thousand (10,000) gallons per day directly to a sanitary sewer, combined sewer and/or at a designated trucked waste disposal site by means of trucked waste haulers, who is not subject to National Categorical Pretreatment Standards, and is the generator of the wastewater being discharged. This section does not authorize the discharge of hazardous wastes as defined by RCRA, to a sanitary sewer, combined sewer or at a designated trucked waste disposal site.
- (B) Maximum composite sample concentration limits shall apply to any representative composite sample, except as provided for in paragraph (C) of this section. A representative composite sample may be a time-proportional or flow-proportional sample, which is:
  - (1) A composite that represents at least one-half (1/2) of the user's production-day discharge, or
  - (2) A composite that represents at least twelve (12) hours of a calendar day and may contain less than twelve (12) hours of samples from a preceding or following calendar day, or
  - (3) A composite that contains more than twelve (12) hours of samples from more than one (1) calendar day, so that the composite shall be deemed to represent each calendar day represented by twelve (12) hours or more of samples.
- (C) Maximum composite sample concentrations for phenolic compounds, cyanide, and hydrocarbon FOG shall apply to any grab sample.
- (D) Hydrocarbon FOG shall be as determined by Method 503-E in the sixteenth Edition of Standard Methods.
- (E) Except as provided in paragraph (C) of this section, no grab sample collected at any time shall be in excess of one and one-half (1-1/2) times the maximum composite sample concentration established by the Director.
- (F) No user shall discharge wastewater containing pollutants specified in this section in excess of concentration or mass limits established by the Director, unless issued a discharge permit by the director specifically allowing higher concentrations or masses. These higher concentrations or masses shall be conditioned with other requirements and shall not interfere with the general intent of this chapter. (Ord. 2001-92.)
- (G) The limitations for silver set forth by the Director shall not be applicable to photographic processing facilities unless the user is identified as a "significant industrial user." Silver

## Chapter 1145 SEWER USE REGULATIONS

~~limitations for photographic processing are set forth in director's regulation published in the City Bulletin.~~

~~The Silver CMP is considered a fully enforceable element of the POTW industrial pretreatment program and constitutes a local limitation for silver discharged from photographic processing facilities. (Ord. 1630-97 § 1 (part)).~~

### **1145.26 PRETREATMENT OF WASTEWATERS**

~~Users of the sewer system shall design, construct, operate, and maintain wastewater pretreatment facilities whenever necessary for the user to achieve compliance with the limitations set forth in this chapter. Plans, specifications, operating procedures, and supporting data must be submitted to the director for review prior to installation of a pretreatment system as specified in this chapter. Dilution of a discharge is not an acceptable means of pretreatment. (Ord. 2706-90.)~~

### **1145.27 EQUIVALENT CONCENTRATION AND MASS LIMITS**

~~The director may, at his discretion for any categorical pretreatment standard, calculate the equivalent mass per day limit, or concentration limit respectively, when the other is stated. Compliance with these equivalent measures shall be required the same as compliance with categorical standards. In establishing discharge restrictions, discharge standards, discharge limits, or categorical pretreatment standards pursuant to this chapter, if the director establishes concentration limits to be met by an industrial user, the director may, in lieu of, or in addition to concentration limits, establish mass limits of comparable stringency for an individual user.~~

### **1145.28 INFLUENT POLLUTANT CREDIT**

~~Categorical pretreatment standards may be adjusted by the director to reflect the presence of pollutants in the industrial user's intake water.~~

~~(A) Application for Credit. Any industrial user wishing to obtain credit for intake pollutants must make application to the director. Upon request of the industrial user, the applicable standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the criteria of part (B) of this section are met.~~

~~(B) Criteria for Approval.~~

~~(1) The industrial user must demonstrate that the control system it proposes or uses to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the standards in the absence of pollutants in the intake waters.~~

~~(2) No credit for conventional pollutants such as BOD<sub>5</sub>, TSS, FOG, TKN, pH shall be granted.~~

~~(3) Credit shall be granted only to the extent necessary to meet the applicable categorical pretreatment standards, up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with standard(s) adjusted under this section. The industrial user shall bear all costs for additional monitoring required under this section.~~

~~(4) The applicable categorical pretreatment standards contained in 40 CFR, Subchapter N specifically provide that they shall be applied on a "net" basis. (Ord. 2706-90.)~~

## Chapter 1145 SEWER USE REGULATIONS

### ~~1145.30--1145.39 ACCIDENTAL DISCHARGES, BYPASSES AND SPILLS~~

#### ~~1145.31 PREVENTION OF ACCIDENTAL DISCHARGE~~

~~Each user shall provide protection from accidental discharge to the POTW or sewer system of pollutants prohibited or restricted by this chapter. Such required protection may include, but not be limited to:~~

- ~~(A) Walls or dikes;~~
- ~~(B) Separate storage;~~
- ~~(C) Removal of drain lines from locations where significant quantities of prohibited materials are maintained; or~~
- ~~(D) Other appropriate procedures to assure the prevention of discharge to the sewer system.~~

~~Any direct or indirect connection or entry point for prohibited or deleterious waste to the POTW or sewer system shall be eliminated. Where such action is impossible, the director may give permission to place appropriate notices at entry points to warn against discharge of such wastes in violation of this chapter. (Ord. 679-93.)~~

#### ~~1145.32 SPILL NOTIFICATION~~

~~Any person shall immediately notify the director, through an emergency spill number as designated by the director, or by other means to be established by the director, upon discovery of spill or slug discharge of any toxic pollutant or other pollutant capable of causing:~~

- ~~(A) Interference of the POTW treatment processes;~~
- ~~(B) Pass-through the POTW;~~
- ~~(C) Endangerment to the health and safety of city employees;~~
- ~~(D) Degradation of the sludge disposal processes;~~
- ~~(E) Or damage to the environment or receiving waters;~~
- ~~(F) Violation of any federal or state discharge permit issued to the city.~~

~~Such notification will not relieve persons of liability for any consequential expense, loss or damage to the POTW, sewer system, receiving waters or environment, or for any fines and/or penalties imposed on the city which result from the violative discharge. (Ord. 679-93.)~~

#### ~~1145.33 OPERATIONAL UPSETS~~

~~An operational upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards and other standards and limits established in this chapter, or any permit or order issued pursuant to this chapter provided that the requirements of this section are met.~~

- ~~(A) Conditions Necessary for Demonstration of an Operational Upset. An industrial user who wishes to establish the affirmative defense of operations upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:~~

## Chapter 1145 SEWER USE REGULATIONS

- ~~(1) An upset occurred, and the industrial user can identify the cause(s) of the upset;~~
- ~~(2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance (O&M) procedures;~~
- ~~(3) The industrial user has submitted the following information to the director within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):~~
  - ~~(a) A description of the discharge and cause of noncompliance;~~
  - ~~(b) The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue;~~
  - ~~(c) Steps being taken, and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.~~

~~(B) Burden of Proof. In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.~~

~~(C) User Responsibility in Case of Upset. The industrial user shall control production, or all discharges to the extent necessary to maintain compliance with any standards or limits specified in this chapter, and any permit or order issued pursuant to this chapter; upon reduction, loss, or failure of its treatment facility, until the facility is restored, or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.~~

### **1145.34 TREATMENT BYPASSES**

~~(A) Industrial user bypass of any treatment system is prohibited unless all of the following conditions are met:~~

- ~~(1) The bypass was unavoidable to prevent loss of life, personal injury or severe property damage;~~
- ~~(2) There was no feasible alternative to the bypass, including the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment down-time. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment down-time for preventive maintenance; and~~
- ~~(3) The industrial user properly notified the director as described in part (B) of this section.~~

~~(B) Industrial users must provide immediate notice to the director upon discovery of an unanticipated bypass. The industrial user shall submit a written report within five (5) days to the director containing a description of the bypass and its cause(s); the duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; steps taken or planned to reduce, eliminate, and prevent its reoccurrence.~~

~~(C) Notice of Anticipated Bypass. Industrial users anticipating a bypass must submit notice to the director at least ten (10) days in advance, if possible; but in any case as soon as the user is aware of the need for bypass.~~

~~(D) The director may approve an anticipated bypass, after considering its adverse effects, if the director determines that the bypass will meet the three (3) conditions listed in part (A) of this section.~~

## Chapter 1145 SEWER USE REGULATIONS

~~(E) Bypass Not Causing Violations. An industrial user may allow a bypass to occur which does not cause categorical pretreatment standards or any discharge standards established in this chapter or any permit or order issued pursuant to this chapter to be violated, but only if it is for essential maintenance to ensure efficient operation of the treatment system. Such bypasses are subject to the requirements in parts (B) and (C) of this section. (Ord. 2706-90.)~~

### **1145.35 NOTICE TO EMPLOYEES**

~~A notice written in the commonly used language shall be permanently posted on the industrial user's bulletin board, or other prominent place, notifying employees of the city's informant reward program and advising employees whom to call in the event of discharge or spill resulting in potential discharge of a prohibited material. Employers shall insure that all employees who are in a position to cause, discover, or observe such an accidental discharge or spills are advised of the emergency notification procedures. (Ord. 2706-90.)~~

### **1145.36 SPILL PREVENTION, CONTROL, COUNTERMEASURES PLANS**

~~The director may require any person, that he deems has potential to adversely affect the sewer system, appurtenant devices, POTW resultant sludges and effluents, receiving water or environment, by accidental or intentional release of any toxic or other deleterious substance on the person's premises; to develop, submit, and maintain a Spill Prevention, Control and Countermeasures (SPCC) Plan. The elements of such plan shall be as established in regulations by the Director. (Ord. 679-93.)~~

## Chapter 1145 SEWER USE REGULATIONS

### ~~1145.40--1145.49 PERMITS FOR NONDOMESTIC USERS~~

#### ~~1145.41 APPLICABILITY~~

~~This section shall apply to all nondomestic users of the POTW which discharge directly, or indirectly into the POTW's sanitary sewer system. (Ord. 2706-90.)~~

#### ~~1145.42 REQUIRED PERMITS~~

- ~~(A) All nondomestic users must notify the Director of the nature and characteristics of any intended discharge prior to commencing discharge. The information must be submitted on a form as required by the City.~~
- ~~(B) All significant industrial users and/or other users as determined by the Director shall obtain a valid industrial wastewater discharge permit from the Director before discharging any wastewater into the City's sewer system and/or any tributary sewer system. Any violation of the terms and conditions of an industrial wastewater discharge permit shall be deemed a violation of this chapter. Obtaining an industrial wastewater discharge permit does not relieve a permittee of its obligation to obtain other permits required by federal, State, or local law.~~
- ~~(C) Industrial Wastewater Discharge Permit Contents. Industrial wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Director to prevent pass-through or interference, protect the quality of the water body receiving the POTW's effluent, protect worker health and safety, facilitate POTW sludge management and disposal, protect ambient air quality, and protect against damage to the POTW collection system and/or treatment plant. Permits may contain, but need not be limited to elements as established by regulations promulgated by the Director pursuant to this chapter.~~
- ~~(D) Existing Connections. Any significant industrial user which discharges nondomestic waste into the sanitary sewer system prior to the effective date of this chapter, and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the City for an industrial wastewater discharge permit, and shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days from and after the effective date of this chapter, except in accordance with a permit issued by the Director.~~
- ~~(E) New Connections. Any significant industrial user proposing to begin, or recommence discharging nondomestic wastes into the sanitary sewer system must obtain an industrial wastewater discharge permit prior to beginning or recommencing such discharge. An application for this permit must be filed at least one hundred twenty (120) days prior to the anticipated start-up date. (Ord. 2706-90.)~~

#### ~~1145.43 PERMIT APPLICATION~~

~~In order to be considered for an industrial wastewater discharge permit, all users required to have a permit must submit an application for same on a form approved by the Director that contains the information as required by regulations promulgated by the Director pursuant to this chapter. All plans required by this section must be certified for accuracy by a State registered professional engineer. All applications must contain the certification statement and be signed in accordance with Section 1145.04 of this chapter. The Director will evaluate the data furnished by the user and may require additional information. After evaluation of the data furnished, the Director may issue an industrial wastewater discharge permit subject to terms and conditions provided herein. (Ord. 2706-90.)~~



## Chapter 1145 SEWER USE REGULATIONS

### **1145.44 PERMIT ISSUANCE PROCESS**

- (A) ~~Permit Duration. 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 five (5) years, at the discretion of the Director.~~
- (B) ~~Public Notification. The Director will publish, in the City Bulletin, notice of intent to issue a wastewater discharge permit, at least fourteen (14) days prior to issuance. The notice will indicate a location where the draft permit may be reviewed, and an address where written comments may be submitted.~~
- (C) ~~Permit Appeals. The Director will provide all interested persons with notice of final permit decisions. Upon notice by the Director, any person, including the industrial user, may petition to appeal the terms of the permit within thirty (30) days of the notice. All such appeals are subject to the following conditions:~~
- ~~(1) Failure to submit a timely petition for review shall be deemed to be a waiver of the appeal.~~
  - ~~(2) In its petition, the appealing party must indicate the permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to be placed in the permit.~~
  - ~~(3) The permit shall be in effect and shall not be stayed pending a reconsideration by the Director. If, after considering the petition and any arguments put forth by the Division of Sewerage and Drainage, the Director determines that reconsideration is proper, the Director shall remand the permit back to the Division of Sewerage and Drainage for reissuance. Those permit provisions being reconsidered by the Division of Sewerage and Drainage shall be stayed pending reissuance.~~
  - ~~(4) The Director's decision not to reconsider a final permit shall be considered final administrative action for purposes of judicial review.~~
  - ~~(5) Aggrieved parties seeking judicial review of the final industrial wastewater discharge permit conditions must do so by filing an appeal with the court of competent jurisdiction.~~
- (D) ~~Permit Modification. The Director may modify any industrial wastewater discharge permit for good cause as established by regulations promulgated by the Director pursuant to this chapter. The filing of a request by the permittee for a permit modification; revocation and reissuance, or termination; or a notification of planned changes or anticipated noncompliance; does not stay any permit condition.~~
- (E) ~~Permit Renewal. The user shall apply for permit renewal by submitting a completed permit application on a form approved by the Director, a minimum of ninety (90) days prior to the expiration of the user's existing permit. (Ord. 2706-90.)~~

### **1145.45 CONTINUATION OF EXPIRED PERMITS**

~~An unexpired permit will continue to be effective and enforceable until the permit is reissued if:~~

- (A) ~~The industrial user has submitted a completed permit application at least ninety (90) days prior to the expiration of the user's existing permit;~~
- (B) ~~The failure to reissue the permit, prior to the expiration of the previous permit is not due to any act, or failure to act, on the part of the industrial user. (Ord. 2706-90.)~~

## Chapter 1145 SEWER USE REGULATIONS

### **1145.46 SPECIAL AGREEMENTS**

~~Nothing in this chapter shall be construed as preventing any special agreement or arrangement between the Director and any user whereby wastewater of unusual strength or character is accepted into the POTW, and specially treated, and subject to any payments or user charges, as may be applicable. However, no discharge which violates Categorical Pretreatment Standards will be allowed under the terms of such special agreements. If, in the opinion of the Director, the wastewater may have the potential to cause or result in any of the following circumstances, no special agreement shall be made:~~

- ~~(A) Pass-through or interference at the POTW;~~
- ~~(B) Endanger municipal employees or the public;~~
- ~~(C) Cause violations of water quality standards in the receiving waters or of the City's NPDES permits. (Ord. 2706-90.)~~

### **1145.47 ENFORCEABILITY**

~~Any and all conditions in any industrial wastewater discharge permit are specifically and independently enforceable regardless of whether they are expressly required by or set out in this chapter. (Ord. 2706-90.)~~

### **1145.48 PERMIT SUSPENSION/REVOGATION**

~~Industrial wastewater discharge permits may be suspended or revoked by the Director immediately for just cause as established by regulations promulgated by the Director pursuant to this chapter. (Ord. 2706-90.)~~

### **1145.49 VIOLATION**

~~No person shall violate any term or condition stated in any industrial wastewater discharge permit issued to that person. (Ord. 2707-90.)~~

## Chapter 1145 SEWER USE REGULATIONS

### ~~1145.50--1145.59 INSPECTION, MONITORING, REPORTS AND RECORDS~~

#### ~~1145.50 REQUIRED REPORTS~~

~~No person shall fail to make reports to the City of Columbus which are required by this chapter, or by State or Federal law. The person is responsible for determining the applicability of any reporting requirement to the person's facility. (Ord. 679-93.)~~

#### ~~1145.51 RIGHT OF ENTRY~~

~~(A) The Director, or authorized representatives may inspect the facilities of any person to ascertain whether the intent of this chapter is being met, and if all requirements of the chapter are satisfied. The person's representative (contact person) or occupants of premises where wastewater or stormwater is generated or discharged shall allow the Director, or authorized representative, ready access, upon presentation of credentials at reasonable times, to all parts of said premises where wastewater or stormwater is generated, chemicals are stored, stormwater comes into contact with portions of the facility where chemicals are stored, or handled, monitoring equipment is located, production or treatment processes are located, or where records are stored or created and maintained; for the purpose of inspecting the premises, sampling of wastewater or stormwater, and examination of records required to be kept by this chapter, and for the performance of any other of their duties.~~

~~(B) The person shall provide the Director or authorized representative access to the facility within a reasonable time.~~

~~(C) If the person does not provide voluntary access within a reasonable time as required by this section, the Director may apply to a court of competent jurisdiction for an appropriate warrant or other authority to enter the property, and the person shall bear the costs of the court action.~~

~~(D) Failure of any person to provide voluntary access as required by this section shall be a violation of this chapter and of the person's industrial Wastewater Discharge Permit and any other permits issued pursuant to this chapter (if any exists). (Ord. 679-93.)~~

#### ~~1145.52 NOTIFICATION OF CHANGED DISCHARGE~~

~~All industrial users shall promptly notify the Director in advance of any substantial change in the volume or character of pollutants in their discharge, but in no case later than two business days prior to such change in operation. For purposes of this section, substantial change shall mean a change in either discharge flow or mass of pollutants of more than twenty percent (20%) above or below daily average flow or mass. (Ord. 2706-90.)~~

#### ~~1145.53 MONITORING, SAMPLING, AND FLOW MEASUREMENT FACILITIES~~

~~Installation of wastewater and stormwater monitoring, sampling, and/or flow measurement facilities shall be required of any person, upon notification of necessity for installation of such facilities by the Director. Plans for proposed monitoring and flow measurement facilities shall be submitted for approval to the Director within sixty (60) days of receipt of request for installation by the person, and installation shall be completed within ninety (90) days of approval of submitted plans by the Director. An extension beyond this ninety (90) day limit may be granted by the Director for good cause. Any such required facilities shall be constructed, operated, and maintained at the person's expense. The facility and its equipment shall be maintained at all times in a safe and proper operating condition by the person. Access to the monitoring,~~

## Chapter 1145 SEWER USE REGULATIONS

sampling and/or flow measurement facilities shall be available at all times in accordance with Section 1145.51 of this chapter. The Director or authorized representative shall have the right to set up and operate equipment at the facility. All required facilities shall be located on the discharger's premises, whenever possible, and shall be so located as to be readily accessible at all times. Access to the monitoring facilities shall not be obstructed by any object including, but not limited to vehicles, supplies, equipment. (Ord. 679-93.)

### **1145.54 REPORTS, GENERAL REQUIREMENTS**

- (A) ~~Certification and Signatory Requirements. Any self-monitoring, baseline monitoring, and/or compliance monitoring report required by this chapter shall contain the certification statement and be signed in accordance with Section 1145.04 of this chapter.~~
- (B) ~~Any discharge monitoring report required by this chapter shall be certified by a qualified professional, indicating whether Categorical Pretreatment Standards and/or Discharge Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet the Categorical Pretreatment Standards and/or Discharge Standards.~~
- (C) ~~Compliance Schedule. If additional pretreatment and/or operation and maintenance will be required to meet Categorical Pretreatment Standards and/or Discharge Standards pursuant to this chapter, the user shall submit the shortest schedule which will provide same. If for a Categorical Pretreatment Standard, the completion date of this schedule shall not be later than the compliance date established for the applicable Categorical Pretreatment Standard. 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. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Director including, at minimum, whether or not there is compliance with the increment of progress to be met on such date and, if not, the date on which compliance with the increment of progress will be met, the reason for delay, and steps being taken by the user to return to the schedule established.~~
- (D) ~~Production Data. Any user subject to a standard expressed in terms of allowable pollutant discharge per unit of production, (or other measure of operation) in accordance with 40 C.F.R. section 403.6(c) shall report a reasonable measure of the user's actual long-term production rate, such as the average daily production during a representative year, as determined by the Director. Any user subject to standards expressed in terms of allowable pollutant discharge per unit of production, (or other measure of operation) shall report the user's actual production during the appropriate sampling period.~~
- (E) ~~Reporting Violations. Any user shall notify the Director within twenty-four (24) hours of becoming aware of any violation discovered by self-monitoring. The user must then repeat the sampling and analysis and submit the results to the Director within thirty (30) days, after becoming aware of the violation. Any violation of a standard contained in this chapter discovered through self-monitoring shall be considered to continue until a subsequent self-monitoring result shows the parameter to be in compliance.~~
- (F) ~~Analytical Methods. All measurements, tests and analysis of wastewater required by this chapter and regulations promulgated by the Director pursuant to this chapter shall be determined in accordance with approved laboratory procedures. (Ord. 2706-90.)~~

## Chapter 1145 SEWER USE REGULATIONS

### **1145.55 BASELINES MONITORING REPORT**

All new sources (and existing sources that become industrial users subject to newly promulgated Categorical Standards), all new industrial users, and any other user specified by the Director are required to submit to the Director a baseline monitoring report at least ninety (90) days prior to commencement of discharge (or within one hundred eighty (180) days after the effective date of the Categorical Pretreatment Standards for existing sources subject to new Categorical Pretreatment Standards). The report shall be filed on a form approved by the Director. The baseline monitoring report shall contain all information required by regulations promulgated by the Director pursuant to this chapter regarding baseline monitoring reports, and shall conform to the certification and signatory requirements in Section 1145.04 of this chapter. (Ord. 2706-90.)

### **1145.56 INITIAL COMPLIANCE REPORTS**

All new industrial users, new sources, and industrial users subject to newly promulgated Categorical Pretreatment Standards shall submit to the Director within ninety (90) days following commencement of discharge to the POTW (or following the date for final compliance with an applicable Pretreatment Standard) an initial compliance report conforming to the certification and signatory requirements contained in Section 1145.04 and containing the information as required by Section 1145.54 of this chapter and as required by regulations promulgated by the Director pursuant to this chapter for discharge monitoring reports. (Ord. 2706-90.)

### **1145.57 SELF-MONITORING DISCHARGE REPORTS**

All industrial users and any other use specified by the Director or any permit or order issued pursuant to this chapter are required to submit to the Director, self-monitoring discharge reports at intervals and on dates specified by the Director and/or specified in the user's industrial wastewater discharge permit. All self-monitoring reports shall conform to the certification and signatory requirements contained in Section 1145.04 and contain the information as required by Section 1145.54 of this chapter, regulations for discharge monitoring reports, and any permit or order issued pursuant to this chapter. (Ord. 2706-90.)

### **1145.58 RECORDS**

All nondomestic 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 analyses made by, or in behalf of, the user in connection with its discharge and/or operation of any pretreatment plant. All records which pertain to matters which are the subject of administrative order, or any enforcement action or litigation activities brought by the City, shall be retained and preserved by the user at least until all enforcement activities and litigation(s) have been concluded, and all periods of limitation with respect to any and all appeals have expired, but in no case less than three (3) years. All users required to retain and preserve records under this section shall make all such records available for inspection and, on request, provide accurate copies of such records, to the Director at user's expense. (Ord. 2706-90.)

### **1145.59 CONFIDENTIALITY**

All information and data submitted to the Director pursuant to this chapter or any permit or order issued hereunder shall be public information and available to any interested person without restriction, unless the user requests confidentiality. In order to qualify for confidentiality, the user must make written request to the Director. The user must demonstrate, to the satisfaction of the

## Chapter 1145 SEWER USE REGULATIONS

~~Director, that the information meets State or Federal requirements for confidentiality. If confidentiality is granted by the Director the information shall be held confidential only to the extent allowed by State or Federal Law. Wastewater nature, flow, and characteristics and types and amounts of chemicals stored or used in processes shall not be recognized as confidential information. Confidential information shall be available to other governmental agencies as needed. (Ord. 2706-90.)~~

## Chapter 1145 SEWER USE REGULATIONS

### ~~1145.60--1145.69 WASTEHAULER REGULATIONS~~

#### ~~1145.60 PERMITS~~

- ~~(A) A trucked waste discharge permit from the Director shall be required for each vehicle which is to be used for delivery of waste materials to a Columbus Trucked Waste Disposal Site (TWDS). A trucked waste discharge permit may be issued to an applicant who complies with the terms and conditions of this chapter. The Director may deny an applicant a permit where the applicant has falsified or omitted required information, is delinquent in paying sewer use fees and charges, or is a previous violator of waste disposal regulations.~~
- ~~(B) An application for a trucked waste discharge permit shall be submitted to the Director on an approved form, and shall contain the following information:~~
- ~~(1) Vehicle owner's name, address and phone number;~~
  - ~~(2) Vehicle operator's name, address and phone number (if not same as the owner);~~
  - ~~(3) If the vehicle owner or operator is a corporation or partnership, the names, addresses and phone numbers of all corporate officers or partners;~~
  - ~~(4) Motor vehicle serial number and valid, permanent Ohio vehicle license number;~~
  - ~~(5) Make and year of vehicle and tank capacity;~~
  - ~~(6) A listing of all other governmental licenses and permits issued to the vehicle or for use of the vehicle;~~
  - ~~(7) Color photographs at least three and one-half inches by five and one-half inches in size and clearly showing rear and passenger side views of the vehicle;~~
  - ~~(8) Any other information as shall be required by the Director.~~
- ~~(C) An application fee of twenty-five dollars (\$25.00) shall be submitted with each application along with evidence of a five thousand dollar (\$5,000) surety bond for each vehicle for which a permit is requested. Application fee shall be submitted by check or money order made payable to "Columbus City Treasurer, Sewer Fund."~~
- ~~(D) Any applicant denied a trucked waste discharge permit will be sent written notice of the reason for the denial within thirty (30) days after submission of the application. Any applicant who is denied a trucked waste discharge permit may appeal to the Director in writing within ten (10) days after receipt of the written notice. Failure on the part of an applicant to file a written appeal within the allotted ten (10) day period shall be deemed as acceptance of the denial of permit on the part of the applicant, and they shall not be eligible for further administrative appeal.~~
- ~~(E) A trucked waste discharge permit shall be valid for one (1) year from its date of issuance, unless otherwise suspended or revoked.~~
- ~~(F) Trucked waste discharge permits are not transferable to other vehicles, operators, or owners.~~
- ~~(G) Permit Reissuance. The holder of a trucked waste discharge permit shall apply for permit reissuance by submitting a completed permit application on a form approved by the Director a minimum of sixty (60) days prior to the expiration of the hauler's existing permit. (Ord. 2706-90.)~~

## Chapter 1145 SEWER USE REGULATIONS

### **1145.61 TRUCKED WASTE OPERATOR'S LICENSE**

- (A) Any individual wishing to operate any vehicle which is permitted to discharge trucked wastes into the Columbus sewer system shall obtain a trucked waste operator's license from the Director. No individual shall discharge, or assist in discharging, any trucked waste to the sewer system without having a valid trucked waste operator's license. A trucked waste operator's license may be issued to an applicant who complies with the terms and conditions of this chapter. The Director may deny an applicant a license where the applicant has falsified or omitted required information, is delinquent in paying sewer use fees and charges, or is a previous violator of waste disposal regulations.
- (B) All individuals requesting a trucked waste operator's license shall submit an application to the Director on an approved form, which shall include the following information:
- (1) Applicant's name, home address and home phone number;
  - (2) Present employer (if other than applicant);
  - (3) Name and address of all employers for the previous five (5) years;
  - (4) A listing of all criminal convictions, including misdemeanors, and Court of Record for same within the previous five (5) years;
  - (5) Any and all civil and/or administrative actions taken against the applicant for violation of any waste disposal regulations in the last five (5) years;
  - (6) Any other information as shall be required by the Director.
- (C) A nonrefundable application fee of ten dollars (\$10.00) shall be submitted with each application. Application fee shall be submitted by check or money order made payable to "Columbus City Treasurer, Sewer Fund."
- (D) Any applicant denied a trucked waste operator's license shall be sent written notice of the reason for the denial within thirty (30) days after submission of the application. Any applicant who is denied a trucked waste operator's license may appeal the denial to the Director in writing within ten (10) days after receipt of the written notice. Failure on the part of an applicant to file a written appeal within the allotted ten (10) day period shall be deemed as acceptance of the denial of the license on the part of the applicant, and they shall not be eligible for further administrative appeal.
- (E) Each trucked waste operator's license shall be valid for two (2) years from its date of issuance, unless otherwise suspended or revoked. A licensee must reapply for a new license at least sixty (60) days prior to the expiration of their current license. Applications shall be made on a form approved by the Director.
- (F) Any individual changing employers during the term of their trucked waste operator's license must notify the Director, in writing, of the change in employer within two (2) weeks after the change, but need not apply for a new license. (Ord. 2706-90.)

### **1145.62 REVOCATION**

Noncompliance with any part of this section, or subsequent regulations or orders as issued by the Director, or other sections of this chapter or sections of other applicable City Code Chapters; shall subject the licensee and/or permit holder to revocation of the license and/or permit to utilize the services of the City sewer system for the disposal of trucked wastes. The permit and/or license holder shall be provided written notice of any revocation. The permit and/or license holder may appeal the revocation to the Director in writing, within ten (10) days of receipt of the notice of revocation. Failure to appeal revocation within ten (10) days of notification of the revocation shall be deemed agreement upon the part of the licensee or permit



## Chapter 1145 SEWER USE REGULATIONS

~~holder to the revocation of that license or permit. Reissuance of any license or permit, after revocation, shall be at the discretion of the Director, and may be made subject to such conditions as the Director deems appropriate. (Ord. 2706-90.)~~

### **1145.63 SUSPENSION**

~~(A) In lieu of revocation of any license or permit, the Director may, at his discretion, suspend any license or permit for noncompliance with any part of this section, or pursuant regulations or orders, for a period not to exceed sixty (60) days. The permit and/or license holder shall be provided with written notification of the suspension. The permit and/or license holder may appeal the suspension to the Director in writing within ten (10) days of receipt of the notice of the suspension. Failure on the part of the license or permit holder to appeal the suspension within ten (10) days of receipt of the notice of the suspension shall be deemed agreement on the part of the license or permit holder to the conditions of the suspension.~~

~~(B) No person shall use any truck under a permit suspension to discharge waste to the Columbus sewer system during the period of the suspension, even if the truck is sold or leased to another party during the period of the suspension.~~

~~(C) No trucked waste operator shall operate any vehicle discharging waste to the Columbus sewer system while under suspension even if the trucked waste operator changes employer and/or applies for a new trucked waste operator's license. (Ord. 2706-90.)~~

### **1145.64 REGULATIONS**

~~The Director may establish such regulations as he deems necessary to control the discharge of trucked wastes to the Columbus sewer system. The Director may restrict, or prohibit, the discharge of trucked wastes to the Columbus sewer system which originate from sources outside the municipal jurisdiction of the City of Columbus. These regulations may include, but are not limited to:~~

~~(A) Provisions requiring the display of vehicle permit number and tank capacity in gallons;~~

~~(B) Minimum equipment and maintenance standards for permitted vehicles;~~

~~(C) Standards and procedures for use of the City's trucked waste discharge facilities;~~

~~(D) Training requirements for license holders. (Ord. 2706-90.)~~

### **1145.65 RESTRICTIONS AND PROHIBITIONS**

~~The Director may restrict or prohibit discharge of any trucked waste to the Columbus sewer system at his discretion. No trucked waste may be discharged to the Columbus sewer system without the express, written permission of the Director, or his designee, on a manifest form as approved by the Director. The discharge of trucked wastes shall be permitted only at locations, and during such hours, as shall be established by the Director. Discharge of trucked waste to the sewer system at any other location, or at any other time, is a violation of this chapter. No trucked waste shall be discharged to the sewer system which has any of the following components:~~

~~(A) Material not readily biodegradable or not known to be compatible with the treatment processes utilized in the POTW;~~

## Chapter 1145 SEWER USE REGULATIONS

- ~~(B) Material deleterious to treatment plant operations, or plant operators such as oils and greases of a mineral origin, gasoline, toxic materials, flammables, solvents, paint materials, sand, or other materials capable of causing physical damage to the POTW;~~
- ~~(C) Materials which would cause unusual expense in handling and/or treatment, unless prior arrangements have been made at the discretion of the Director for payment of additional costs of services;~~
- ~~(D) Any material regulated under a Federal Categorical Pretreatment Standard, or any sludges or wastes resulting from treatment of materials under Federal Categorical Pretreatment Standards;~~
- ~~(E) Any materials which violate, or could violate, any prohibitive or restrictive provisions of Columbus City Code, Chapter 1145, or which violates any Federal or State industrial discharge standards, regulations, or laws.~~

~~No material other than those from household sources origin may be discharged to the City POTW as a trucked waste unless prior approval has been received by the hauler from the Director. Application for such approval, called a "special waste evaluation request" shall be made on a form approved by the Director. (Ord. 2706-90.)~~

### **1145.66 PROHIBITED ACTIVITIES**

~~No trucked waste hauler shall access the sewer system or POTW for any activity including discharge or withdrawal of material, except at locations and at times as designated by the Director. Any removal of manhole lids, or other access to the sewer system at times and/or places other than those designated by the Director, or without express permission of the Director shall be considered a violation of the conditions of this section, and subject the violator to revocation of his trucked waste discharge permit and/or operator's license, and/or other enforcement activity as indicated in this chapter and in other applicable City Code Chapters. (Ord. 2706-90.)~~

### **1145.67 ENFORCEABILITY**

~~Any and all conditions in any permit or license issued pursuant to this section are specifically and independently enforceable regardless of whether they are expressly required by or set out in this chapter. (Ord. 2706-90.)~~

## Chapter 1145 SEWER USE REGULATIONS

### ~~1145.70--1145.75 STORMWATER~~

#### ~~1145.70 APPLICABILITY OF 1145.70--1145.75~~

~~The provisions of Columbus City Codes Sections 1145.70--1145.75 shall be applicable to all premises within the City of Columbus. These sections shall also be applicable to premises outside of the City of Columbus which are tributary to the City sewer system, where the political subdivision in which the premises are located has by contract with the City of Columbus specifically agreed that the stormwater provisions of Columbus City Code 1145 will be applicable within that political subdivision and where the political subdivision has adopted the provisions of Columbus City Code Sections 1145.70--1145.75 as a regulation of that political subdivision. (Ord. 679-93.)~~

#### ~~1145.71 STORMWATER REGULATIONS~~

~~Notwithstanding any other provision of the Columbus City Codes, the Director may promulgate regulations governing the quantity and quality of stormwater discharges from premises within the City of Columbus and where applicable, from premises outside of the City of Columbus which are tributary to the City sewer system. Any regulation which is promulgated pursuant to this section shall be as stringent as any applicable Federal or State statute or regulation. In addition to the requirements of Columbus City Codes Sections 121.05 and 1145.11, the Director shall provide notice in the City Bulletin of any proposed nonemergency regulation at least thirty days prior to publication of the final regulation in the City Bulletin. The notice shall indicate the subject matter of the proposed regulation, where copies of the proposed regulation can be reviewed or obtained, where written comments concerning the proposed regulations can be submitted to the Director, and the last day upon which written comments will be received concerning the proposed regulation. (Ord. 679-93.)~~

#### ~~1145.72 STORMWATER PERMITS~~

~~The Director may issue permits governing the quantity and quality of stormwater being discharged from premises within the City of Columbus and where applicable, from premises outside of the City of Columbus which are tributary to the City sewer system. The Director may issue permits under this section in conjunction with permits issued pursuant to Columbus City Codes Sections 1145.40 to 1145.49. Where a permit is issued in conjunction with permits issued pursuant to Columbus City Codes Sections 1145.40 to 1145.49, the permit will be subject to the provisions of Columbus City Codes Section 1145.44. Except for permits subject to the provisions of Columbus City Codes Section 1145.44, any action of the Director issuing, denying, modifying, or revoking a permit pursuant to this section may be appealed pursuant to the provisions of Columbus City Codes Section 1145.82. (Ord. 679-93.)~~

#### ~~1145.73 NPDES PERMITS~~

~~All persons who own or operate premises within the City or where applicable, premises outside of the City of Columbus which are tributary to the City sewer system, where the premises have been issued a National Pollutant Discharge Elimination System (NPDES) permit shall provide the Director a copy of the permit. For all existing NPDES permits issued prior to the effective date of this section, the permit shall be provided to the Director within sixty days of the effective date of this section. For all NPDES permits issued on or after the effective date of this section, the permit shall be provided to the Director within sixty days of the issuance of the permit. (Ord. 679-93.)~~

## Chapter 1145 SEWER USE REGULATIONS

### **~~1145.74 WASTEWATER DISCHARGE TO STORM SEWERS~~**

~~No person shall discharge or allow to be discharged wastewater to the City storm sewers without a valid NPDES permit. Existing wastewater discharges to the City's storm sewers which are licensed pursuant to Ohio Administrative Code Section 3701-21 shall be eliminated within a reasonable time after sanitary sewer service is available to the premises, or sooner if required by the federal or state law. No person shall discharge wastewater to the City's storm sewers in violation of an applicable NPDES permit or license issued pursuant to Ohio Administrative Code Section 3701-21. (Ord. 679-93.)~~

### **~~1145.75 NON-STORMWATER DISCHARGE TO STORM SEWERS~~**

~~Except as authorized by a valid NPDES permit or as authorized in writing by the Director, any direct or indirect discharge to the storm sewer that is not composed entirely of stormwater is prohibited. Discharge resulting from fire fighting activities, water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)) to separate storm sewer, uncontaminated pumped ground water, discharges free potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water are excluded from such prohibition and are expressly authorized to the storm sewer, subject to regulations and permit requirements which may be adopted pursuant to this chapter. (Ord. 679-93.)~~

## Chapter 1145 SEWER USE REGULATIONS

### ~~1145.80--1145.89 ADMINISTRATIVE ENFORCEMENT~~

#### ~~1145.80 NOTIFICATION OF VIOLATION~~

~~Whenever the Director finds that any person has violated, or is violating this chapter, the Director, or his designee, may serve upon said person, written notification of violation (NOV). Within ten (10) days of receipt of this NOV, any person receiving the NOV shall submit to the Director an explanation of the violation and a remedial action plan (RAP) to correct the violation and prevent the future occurrence of noncompliance. Submission of this plan in no way relieves the person of liability for any violations occurring before or after receipt of the notice of violation. (Ord. 2706-90.)~~

#### ~~1145.81 SHOW CAUSE HEARINGS~~

~~The Director may order any person who causes or contributes to violations of this chapter to show cause why a proposed enforcement action should not be taken. The person shall be served notice of the hearing, specifying the place and time of the hearing, the proposed enforcement action and the reasons for such action, and a request that the person show cause why this proposed enforcement action should not be taken. The notice of the hearing shall be served personally, or by certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on the principal executive, general partner, or corporate officer, or authorized agent or representative of the person. The person listed as the company contact in a permit issued pursuant to this chapter may be considered an authorized agent for purposes of this section. Any person ordered by the Director to appear at a show cause hearing who fails to appear shall be deemed to have agreed to whatever action is taken by the Director as the result of the show cause hearing. Actions taken by the Director resulting from a show cause hearing are not subject to the appeal provisions set forth in Section 1145.82 of this chapter. (Ord. 2706-90.)~~

#### ~~1145.82 APPEALS TO THE DIRECTOR~~

~~Any person adversely affected by an action of the Director pursuant to this chapter, where this chapter has specifically provided for appeal by way of a hearing, shall file a notice of appeal with the Director within ten (10) days of said action, unless otherwise provided by this chapter. A notice of appeal shall include as a minimum: name, address and telephone number of appellant; date; a statement of intent to appeal; a description of the nature of the appeal, and any pertinent documentation. All filings required herein shall be made at the office of the Director. Except as otherwise provided by this chapter, the Director shall convene a hearing on the matter within thirty (30) days of receipt of the notice of appeal. The Director may grant continuances as he deems necessary. The Director shall issue a written decision of the appeal within ten (10) days of the hearing. The Director may affirm, modify or rescind any action or proposed action of the Director which was the subject matter of the hearing. Any person who fails to timely file a notice of appeal or to otherwise prosecute an appeal of an action of the Director pursuant to this section, shall be deemed to have agreed to the action taken by the Director. (Ord. 2706-90.)~~

#### ~~1145.83 REVOCATION OF TREATMENT SERVICES~~

~~(A) After thirty (30) days notice, except as provided in Section 1145.84, the Director may terminate sewer services and, where applicable, revoke the discharge permit of any person who violates any provision or condition of this chapter, including, but not limited to, the following conditions:~~

- ~~(1) Violation of permit conditions;~~

## Chapter 1145 SEWER USE REGULATIONS

- ~~(2) Failure to accurately report the wastewater constituents and characteristics of its discharge;~~
- ~~(3) Failure to report significant changes in operations or wastewater constituents and characteristics;~~
- ~~(4) Refusal of reasonable access to the person's premises for the purposes of inspection, monitoring or sampling.~~

~~(B) Any person desiring a hearing on the revocation of discharge permit and termination of services issued under this section must file an appeal with the Director within ten (10) days of being notified. The Director shall convene a hearing on the matter within ten (10) days of receiving the request. Failure on the part of a person to file a written appeal within the allotted ten (10) day period shall be deemed as admission of the stated violation(s) and agreement with and acceptance of revocation of discharge permit and termination of service.~~

~~(C) The Director may take whatever actions are necessary in order to prevent use of the sewer system by persons whose sewer services have been terminated. The Director may terminate City water service to any premises in order to enforce any termination of sewer services to the same premises. (Ord. 2706-90.)~~

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### **1145.84 EMERGENCY REVOCATION OF SERVICES**

~~(A) The Director may immediately revoke sewer services, and/or permit of any person issued pursuant to this chapter whenever, in the Director's opinion, such revocation is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the sewer system or the environment.~~

~~(B) Any person notified of such revocation of sewer services and/or permit, shall immediately stop or eliminate such discharge. In the event of a person's failure to immediately comply voluntarily with the revocation order, the Director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the sewer system, its receiving stream, the environment, endangerment to any individuals or violation of any Federal or State discharge permit issued to the City. The Director shall allow the person to recommence discharge when the endangerment has passed, unless the termination proceedings set forth in Section 1145.83 are initiated against the person.~~

~~(C) A person who is responsible, in whole or in part, for an imminent endangerment, shall submit a detailed, written statement describing the causes of the harmful contribution, and the measures taken to prevent any future occurrence to the Director, prior to the date of a hearing set pursuant to the provisions of Section 1145.83 of this chapter. (Ord. 679-93.)~~

### **1145.85 ANNUAL PUBLICATION OF SIGNIFICANT NONCOMPLIANCE**

~~The Director shall publish annually, in the largest daily newspaper, in the City of Columbus, a list of those persons who are deemed to be in significant noncompliance, as defined in any provisions of this chapter during the period since the previous publication. The publication shall summarize the enforcement actions taken against significant noncompliance during the reporting period, and shall include any violations uncorrected for forty-five (45) days after notification of noncompliance, or any violation which exhibits a pattern of noncompliance over the reporting period, or any violations which involve failure to accurately report noncompliance.~~

## Chapter 1145 SEWER USE REGULATIONS

~~The publication may include other information not required hereunder. (Ord. 2706-90.)~~

### **1145.86 PUBLIC NUISANCE**

~~Any violation of the provisions of this chapter is hereby declared a public nuisance and may be corrected or abated by the Director or his designee. Any person(s) creating a public nuisance shall be subject to the provisions of the City Code governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying such nuisances. (Ord. 2706-90.)~~

### **1145.87 CONTRACTOR LISTINGS**

~~Any person who has not achieved consistent compliance with applicable pretreatment standards and requirements of this chapter may have eligibility to receive contractual awards for the sale of goods and services to the City of Columbus, Ohio, revoked by order of the Director. (Ord. 2706-90.)~~

### **1145.88 FEDERAL OR STATE ENFORCEMENT**

~~In addition to other remedies for enforcement provided herein, the Director may petition the Ohio EPA or the USEPA, as appropriate, to exercise such methods or remedies as shall be available to such governmental entities to seek criminal or civil penalties, injunction relief, or other such remedies as may be provided by applicable federal or State laws to insure compliance by any person with applicable Categorical Pretreatment Standards, to prevent the introduction of toxic pollutants or other regulated pollutants into the sewer system, or to prevent such other water pollution as may be regulated by State or federal law. (Ord. 2706-90.)~~

### **1145.89 ADMINISTRATIVE FINES**

~~(A) The Director may assess, on a strict liability basis, except where this chapter expressly provides for an affirmative defense, administrative fines not to exceed one thousand dollars (\$1,000) per violation against any person who violates any provision of this chapter, or regulation, permit, license, or other promulgation pursuant to 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 Director 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 or noncompliance, and affirmative actions taken by the violator to comply with the provisions of this chapter and regulations, permit, license, or other promulgations pursuant to this chapter. The Director may promulgate regulations establishing minimum administrative fines for violation of specific sections of this chapter, or regulations promulgated pursuant to this chapter.~~

~~(C) Any administrative fines assessed by the Director against a person may be added to the person's sewer service charge, and the Director 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 Director as provided for in Section 1145.82 of this chapter. (Ord. 2706-90.)~~

## Chapter 1145 SEWER USE REGULATIONS

### ~~1145.90--1145.99 JUDICIAL REMEDIES~~

#### ~~1145.90 LEGAL ACTION~~

~~Whenever the Director finds that any person has violated the provisions or intent of this chapter, the Director may seek from a court of competent jurisdiction, injunctive relief against said person. The Director may seek other civil action to collect any administrative fines, and to seek civil penalties and damages provided for by this chapter. The Director may refer any violation of this chapter to the City Prosecutor for criminal prosecution. (Ord. 2706-90.)~~

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#### ~~1145.91 CIVIL PENALTY~~

~~Any person who negligently violates, or continues to negligently violate any provision of this chapter shall pay a civil penalty of not more than twenty-five thousand dollars (\$25,000) for each violation. Each day or portion thereof during which such a violation occurs shall be considered a separate violation. (Ord. 2706-90.)~~

#### ~~1145.99 CRIMINAL PENALTY~~

~~Any person who recklessly violates, or continues to recklessly violate any provision of this chapter shall be deemed guilty of a misdemeanor of the first degree and fined an amount not to exceed five thousand dollars (\$5,000) or imprisonment for not more than six (6) months or by both. Each day, or portion thereof, when a violation occurs, shall be considered a separate offense. Upon the second or subsequent conviction for any violation of this chapter, the offender shall be fined an amount of not less than one thousand dollars (\$1,000), and not to exceed five thousand dollars (\$5,000) in addition to any imprisonment provided under this section. (Ord. 2706-90.)~~

**Section 2.** That the existing Chapter 1145 of the Columbus City Codes, 1959, is hereby repealed.

**Section 3.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.