

US EPA RECORDS CENTER REGION 5



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AN ORDINANCE
REGULATING THE USE
OF
PUBLIC and PRIVATE
SEWERS and DRAINS
IN
THE CITY OF ELYRIA, OHIO

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Mayor Leonard P. Reichlin

Safety-Service Director

James T. Tracey

City Water Pollution Control Board

Chairman - James T. Tracey, Safety-Service Director

Robert Kleinoeder, City Engineer

Charles B. Coen, Supt. of Sewage Treatment

Ernest G. Bartha, Assistant Health Commissioner and City Chemist

ORDINANCE NO. 73

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM(S), AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ELYRIA, STATE OF OHIO:

SECTION 1: DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- A. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C., expressed in milligrams per liter.
- B. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
- C. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
- D. "City" shall mean City of Elyria, Ohio.
- E. "Safety-Service Director" or "Director" shall mean the Safety-Service Director of the City of Elyria, Ohio, or his duly authorized agents.
- F. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.
- G. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
- H. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
- I. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- J. "Normal" sewage shall mean sewage, which when analyzed shows by weight a daily average of not more than 2337 pounds (280 parts per million) of nonfilterable residue; nor more than 2,000 pounds (240 parts per million) of B.O.D.; and not more than 417 pounds (50 parts per million) Hexane soluble oil, each per million gallons of daily flow.
- K. "Ohio Environmental Protection Agency" is an agency with administrative, regulatory and quasi-judicial powers, created by the

- L. "Person", "Enterprise", "Establishment" or "Owner" shall mean any individual, firm, company, association, society, corporation or group using the Sewage Works or Sewerage System.
- M. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- N. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.
- O. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- P. "Sanitary Sewer" shall mean a sewer which carries sewage and industrial waste and to which storm, surface, and groundwaters are not intentionally admitted.
- Q. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
- R. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.
- S. "Sewage Works", "Wastewater Treatment Works" or "Sewerage System", shall mean all facilities for collecting, pumping, treating and disposing of sewage.
- T. "Sewer" shall mean a pipe or conduit for carrying sewage.
- U. "Shall" is mandatory; "May" is permissive.
- V. "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.
- W. "Storm Drain" or "Storm Sewer" shall mean a pipe or conduit which carries storm and surface waters and drainage but excludes sewage and industrial wastes; it may, however carry cooling water.
- X. "Cooling Water" shall mean the water discharged from a condensation, air conditioning, cooling, refrigeration or other system, but free from odor or oil and containing no polluting substances which would produce B.O.D. or nonfilterable residue each in excess of six (6) milligrams per liter over the concentration of nonfilterable residue in the water supplied by the City.
- Y. "Superintendent" shall mean the Superintendent of the Sewage Treatment Plant of the City of Elyria, or his authorized deputy, agent, or representative.
- Z. "Nonfilterable Residue" shall mean solids that either float on the

surface, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

- AA. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- AB. "Water Pollution Control Plant" shall mean any arrangement of devices and structures used for treating sewage or industrial wastes.
- AC. "Waters of the State" as referred to under **Ohio Revised Code 6111.01 (H)**, shall mean 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, 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 waters. Also those waters which drain to or effect a junction with other waters draining to the Black River.
- AD. "City of Elyria Water Pollution Control Board" shall mean that Board, as in Section 9, Paragraph A.
- AE. "Hearing Board" shall mean that Board appointed according to provision of Section 10, Paragraph B.
- AF. "Board of Health" shall mean the Commissioner of Health of the City of Elyria or his duly authorized representative.

SECTION 2: Industrial Waste Questionnaire; Sampling and Gauging.

- A. All persons or companies who discharge sewage, industrial wastes, water or other liquid to the sewerage system, or to a stream, or to both, shall fill in and file with the Safety-Service Director or City Engineer, an industrial waste questionnaire, which shall furnish pertinent data, inclusive of quantity of flow and an analysis of such sewage, industrial waste, water or liquid so discharged. This shall be accomplished by the "person or company" within ninety (90) days after such discharge begins.
- B. When required by the City of Elyria Water Pollution Control Board, the owner of any property served by a building or plant sewer or sewers carrying industrial wastes shall install a suitable manhole or manholes together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measure of the combined wastes from his premise. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the City of Elyria Water Pollution Control Board. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
- C. Normal operation of any gauging and sampling manhole or point of discharge, shall be at the time required, as determined by the City of Elyria, to obtain representative samples of the effluent discharged in proportion to flow and to conclude the necessary analytical determination on the samples obtained.
- D. Where an industrial or commercial plant or premise discharges its effluent to a manhole or manholes, used as gauging and sampling

point and the effluent is of such volume and duration that installation of hydraulic equipment cannot be made until the plant or premise ceases its operation, by week-end closedown, the costs of making the installations, involving overtime pay, shall be borne by the plant or premise. If the plant or premise elects to make the hydraulic installations with their own personnel, the installations shall be set up in a manner approved by the Safety-Service Director. In the event that a period of excess of a standard five (5) day, forty (40) hour week is required for City personnel to properly gauge, sample and analyze the discharged effluent, the extra costs shall be borne by the owner of the property.

- E. The Safety-Service Director or his duly authorized representative may enter at reasonable times upon any private property to set up such devices necessary to conduct a gauging and sampling operation and to begin such operation. While performing the work, the City of Elyria shall observe all safety rules applicable to the premises, established by the Company.
- F. Where a company or premise has security measures in force which require proper identification and clearance before entry into said company or premise is granted, such company or premise shall either make the necessary arrangements with their security guards that upon showing proper identification from the City of Elyria, duly authorized representatives of the City shall be permitted to enter, without delays, for the purpose of obtaining samples of wastes being discharged at the various sampling points; or the company or premise shall install suitable gauging and sampling manholes outside the security limits which manholes will at all times be immediately accessible to City of Elyria personnel for the purpose of obtaining samples.
- G. If the Company or person refuses to comply with any of the City's requirements of any sections of Section 2 of this Ordinance, they will be given sixty (60) days to get out of the sewerage system of the City of Elyria, and that the City of Elyria will notify the Ohio Environmental Protection Agency of its action.

SECTION 3: Use of Public Sewers; Wastewater Discharge Criteria.

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Elyria, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the City of Elyria, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.
- C. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters to any sanitary sewer.
- D. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers

or storm sewers, or to a natural outlet approved by the Safety-Service Director. Industrial cooling water or unpolluted process waters may be discharged, on approval of the City of Elyria Water Pollution Control Board, to a storm sewer or natural outlet.

E. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to those metals or toxic substances mentioned in Paragraph F of this Section as discharged to the public sewer.
- (3) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, chemical residues, paint residues, lime slurry, lime residue, cannery waste bulk, etc., either whole or ground by garbage grinders.

F. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Safety-Service Director that such wastes can harm either the sewers, sewer system or equipment, sewage treatment process or equipment, or have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Safety-Service Director will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- (1) Any liquid or vapor having a temperature higher than one hundred forty (140°) degrees F., sixty (60°) degrees C.
- (2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of fifty (50) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred forty (140°) degrees F. or sixty (60°) degrees C.
- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Safety-Service Director.

- (4) Any waters or wastes containing strong acid wastes, or concentrated plating solutions whether neutralized or not are prohibited.
- (5) Any waters or wastes containing iron, chromium, copper, zinc, mercury, and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the sewage at the building sewer(s) exceeds the limits established by the City of Elyria Water Pollution Control Board for such materials such as copper, zinc, chromium, mercury, and other substances shall be limited to the following quantities in the sewage as it enters the public sewer(s).

DESCRIPTION	LIMIT
Aluminum	3.0 mg/liter
Arsenic	.25 mg/liter
Barium	5.0 mg/liter
Cadmium	.15 mg/liter
Total Chromium	2.0 mg/liter
Chromium (hexavalent)	0.6 mg/liter
Cobalt	1.0 mg/liter
Copper	2.0 mg/liter
Iron	15.0 mg/liter
Lead	0.2 mg/liter
Mercury	0.001 mg/liter
Molybdenum	1.0 mg/liter
Nickel	2.0 mg/liter
Selenium	1.0 mg/liter
Silver	0.1 mg/liter
Tellurium	.05 mg/liter
Thallium	.05 mg/liter
Zinc	5.0 mg/liter
Cyanides	0.3 mg/liter
Fluorides	5.0 mg/liter
Phenols	0.4 mg/liter
B.O.D.	400 mg/liter
C.O.D.	600 mg/liter
Oil (hexane soluble)	50 mg/liter
pH	6.0 - 9.0
SOLIDS	
Filterable residue	1500 mg/liter
Nonfilterable residue	400 mg/liter
Temperature	140 degrees F.
Phosphates - as P	5.0 mg/liter

- (6) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Safety-Service Director as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving water are prohibited. Any waters or wastes that contain phenols in excess of 0.40 parts per million by weight are prohibited. These limits may be modified if the aggregate of contributions throughout the Elyria area of service create treatment difficulties, or produce a plant effluent discharge to receiving waters, which may be prohibitive.

- (7) Any radioactive wastes or isotopes of such half life (over 100 days) or concentration as may exceed limits established by the Safety-Service Director in compliance with applicable State or Federal regulations. The radioactive isotopes I^{131} and P^{32} used at hospitals are not prohibited, if properly diluted at the source.
 - (8) Any water or wastes, acid or alkaline in reaction, and having corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the Elyria Sewage Treatment Plant or sewerage system. Any waters or wastes having a pH lower than 6.0. Any waters or waste having a pH higher than 9.0. Free acids and alkalis of such waste must be neutralized at all times.
 - (9) Any noxious or malodorous gas or substance, which either singly or by interaction with other waste, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair, are prohibited.
 - (10) Materials which exert or cause:
 - a. Unusual concentrations or inert nonfilterable residue (such as, but not limited to, Fullers earth, lime slurries, and lime residue) or of inert filterable residue (such as, but not limited to, sodium chloride, calcium chloride and sodium sulfate), from ion exchange softeners.
 - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment plant.
 - d. Unusual volume of flow or concentration of wastes constituting "sluge" as defined herein.
 - (11) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- G. No industrial wastes shall be discharged, either directly or indirectly, into any sewer, watercourse or natural outlet within the City of Elyria Water Pollution Control District, without the prior written approval of the City of Elyria Water Pollution Control Board. It shall be understood that those persons or firms who are currently under permit to the Ohio Environmental Protection Agency must also apply for permit from the City of Elyria Water Pollution Control Board.
- H. Application for annual permits or renewal permits must be made in writing directly to City of Elyria Water Pollution Control Board.
- I. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in this Section, and which in the judgment of the Safety-Service Director may have a

delicious effect upon the sewage works, cesses, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Safety-Service Director may:

- (1) Reject the wastes specified in this Ordinance.
- (2) Require pre-treatment to an acceptable condition for discharge to the public sewers.
- (3) Require control over the quantities and rates of discharge.
- (4) Refer to City of Elyria Water Pollution Control Board for action to be taken.

If the City of Elyria Water Pollution Control Board permits the pre-treatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Safety-Service Director, and subject to the requirements of all applicable codes, ordinances and laws.

- J. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- K. Any accidental discharges to the sewer system shall be brought to the attention of the Sewage Treatment Plant and to the attention of the Safety-Service Director at the time it occurs. For failure to report accidental discharges at the time they occur, a charge for each violation shall be made. A charge of \$250.00 for each accidental discharge of toxic materials shall be made. Analytical determinations approved by the Safety-Service Director shall apply.

It shall be understood that the above shall in no way relieve any individual, company, or industry of any liabilities for damage to any facilities, which damage can be shown to have been caused by the acid or alkaline wastes discharged by said individual, company or industry.

- L. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association; or Ohio Department of Health, Division of Laboratories, or the Robert A. Taft Sanitary Engineering Center, United States Environmental Protection Agency, whichever method is currently used in the Elyria City Health Department Laboratory, approved by the Safety-Service Director.
- M. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage treatment plant and to determine existence of hazards to life, limb and property. (The particular analysis involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate

or whether a grab sample or samples should be taken. Normally, but not always, BOD and nonfilterable residue analyses are obtained from a 24-hour composite of all outfalls whereas pH's are determined from periodic grab samples.)

- N. Grease, oil and sand interceptors or traps shall be provided when, in the opinion of the Safety-Service Director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, sand and other harmful ingredients except that such interceptors or traps shall not be required for private living quarters or dwelling units. All interceptors or traps shall be of a type and capacity approved by the Safety-Service Director, and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors or traps shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be watertight. Where installed, all grease, oil and sand interceptors or traps shall be maintained by the owner, at his expense, in continuously efficient operation at all times.
- O. Plans, specifications and any other pertinent information relating to treatment or pre-treatment facilities, flow equalization tanks, control and neutralization equipment or other facilities to be utilized in the treatment or control of waters or wastes shall be submitted for the approval of the Safety-Service Director, and no construction of such facilities shall be commenced until said approvals are obtained in writing.
- P. Where such facilities are provided for the treatment, pre-treatment, control or neutralization of waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense and shall be subject to periodic inspection by the Safety-Service Director, or his authorized representatives. The owner shall maintain operating records and shall submit to the Safety-Service Director, in a form prescribed by Safety-Service Director, a monthly summary report, or the character of the influent and effluent to show the performance of the treatment facilities.
- Q. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of waste.
- R. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located, a public sanitary or combined sewer of the City, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within two hundred (200) feet of the property line. A greater distance than two hundred (200) feet may be requested by the Safety-Service Director, if it is deemed necessary to maintain proper control of health hazard conditions or to protect natural waters from pollution.

- S. An approval, by the Safety-Service Director, of facilities does not, in any way, guarantee that these facilities will function in the manner described by a person or a company; nor shall it relieve a person or a company of the responsibility of revamping, enlarging or otherwise modifying such facilities to accomplish the intended purpose.
- T. No statement contained in this Ordinance and these rules and regulations shall be construed as preventing any special agreement or arrangement between the City of Elyria and any person whereby an industrial waste of unusual strength or character may be accepted by the City of Elyria for treatment.

SECTION 4: Building Sewers and Connections.

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Safety-Service Director.
- B. No person shall construct, connect or repair any sanitary sewer or construct or repair any sewer drain connecting with a City storm sewer or inlet, or do any work in connection therewith, unless he has secured a permit from the City Engineer.
- C. Any waste from any commercial concern considered by the Safety-Service Director to be stronger than that of normal sewage shall be governed by laws and rules and regulations that govern industrial waste. Example: A supermarket with a garbage grinder; a service station; a car wash; a printing shop using soluble ink; etc.
- D. Before the application for a sewer builder's permit is accepted by the City Engineer, the applicant must secure an approval from the plumbing inspector that he is qualified to prosecute the profession of a sewer builder. Such approval shall be endorsed by the Plumbing Inspector in writing on the application blanks supplied therefor.
- E. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City of Elyria from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- F. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- G. Old building sewers may be used in connection with the new buildings only when they are found, on examination and test by the City Engineers, to meet all requirements of this Ordinance.
- H. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other ap-

plicable rules and regulations of the City of Elyria; in the absence of code provision or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

- I. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the building sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- J. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface run-off or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- K. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City of Elyria, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Safety-Service Director or the City Engineer or their representatives.
- L. The applicant for the building sewer permit shall notify the Safety-Service Director and the City Engineer or their representatives when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Safety-Service Director or the City Engineer or their representatives.
- M. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City of Elyria.
- N. Whoever violates any provision of this Section shall be fined not less than twenty-five dollars (\$25.00), nor more than five hundred dollars (\$500.00), and/or up to thirty (30) days in jail for each offense.

SECTION 5: Powers and Authority of Inspectors.

- A. The Safety-Service Director and other duly authorized employees of the City of Elyria, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing of materials entering the City sewers in accordance with the provisions of this Ordinance. The Safety-Service Director or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- B. While performing the necessary work on private properties referred

to Section 5, Paragraph A a. e, the Safety-Service Director or duly authorized employees of the City of Elyria, shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City of Elyria employees and the City of Elyria shall indemnify the company against loss or damage to its property by the City of Elyria employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions to perform the necessary work as required in Section 5, Paragraph A, and Section 2, Paragraph B.

- C. The Safety-Service Director and other duly authorized employees of the City of Elyria, bearing proper credentials and identification, shall be permitted to enter all private properties through which the City of Elyria holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
- D. The Safety-Service Director shall make and enforce rules and regulations, establishing the types and characteristics of sanitary sewage and industrial wastes and other matter, not specifically covered in this Ordinance or covered by the City of Elyria Water Pollution Control Board, which shall not be discharged into the City of Elyria sewerage system and the types and characteristics of sanitary sewage and industrial wastes admissible to the City of Elyria sewerage system only after pretreatment. Such rules and regulations shall be subject to appeal to Council, which shall appoint a Hearing Board (Section 10), to investigate the appeal and agree to affirm or reject the ruling of the Safety-Service Director within 72 hours.
- E. The City of Elyria Water Pollution Control Board shall make and enforce rules and regulations, of any discharges of waters or wastewaters to any natural outlet, whether it be river, lake, stream, creek, etc., not specifically covered in this Ordinance. Such rules and regulations shall be subject to appeal to Council, which shall appoint a Hearing Board (Section 10), to investigate the appeal and agree to affirm or reject the ruling of the City of Elyria Water Pollution Control Board.

SECTION 6: Protection From Damage and Penalties.

- A. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest and fine through the local court.
- B. No person without proper authorization from the Safety-Service Director or the City of Elyria Water Pollution Control Board shall lift, remove or tamper with a manhole cover or lid, or make any opening into a manhole for the purpose of draining rain, ground or waste waters into the sewer manhole. Any person violating this

provision shall be subject to immediate arrest and (D) through the local court.

- C. No person, without the authorization from the Safety-Service Director or the City of Elyria Water Pollution Control Board, may put any material or substance into any sewer through manhole cover by tampering with sewer. Any offender shall be subject to arrest and fine through the local court. Each offense shall be handled separately.
- D. Reference is made to **Ohio Revised Code 3767.32, 3767.33, and 3767.99**, which provides for penalty for littering along streams and waterways. This anti-litter law of the **Ohio Revised Code** shall be enforced.
- E. The City of Elyria Water Pollution Control Board or its duly authorized employees of the City of Elyria, bearing proper credentials, may issue a warrant for the arrest of any violator of any section of this Ordinance by local police officers. Unless specifically stated differently in this Ordinance, any offense other than those which are regulated, the violator shall be subject to arrest and fine. The fine shall be no less than twenty-five dollars (\$25.00), and not more than five hundred dollars (\$500.00) and/or up to thirty (30) days in jail. For each offense after the first, the minimum shall be increased twenty-five dollars (\$25.00) for each offense.
- F. Any person found to be violating any provision of this Ordinance, except those specifically covered by arrest and fine, shall be served by the City of Elyria with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- G. Any person who shall continue any violation beyond the time limit provided for in this Ordinance, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding five hundred dollars (\$500.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- H. Any person violating any of the provisions of this Ordinance shall become liable to the City of Elyria for any expense, loss or damage occasioned the City of Elyria by reason of such violation.

SECTION 7: Minimum Conditions Applicable to Waters of the State at All Places and at All Times.

- A. Minimum conditions applicable to waters of the State at all places and at all times shall be the Water Quality Criteria Standards as stipulated by the Ohio Environmental Protection Agency.
- B.
 - (1) Free from substances attributable to municipal, industrial or other discharges, or agricultural practices that will settle to form putrescent or otherwise objectionable sludge deposits.
 - (2) Free from floating debris, oil, scum and other floating materials attributable to municipal, industrial or other discharg-

is, or agricultural practices in amount, sufficient to be unsightly or deleterious.

- (3) Free from materials attributable to municipal, industrial or other discharges, or agricultural practices or other discharges, odor or other conditions in such degree as to create a nuisance.
 - (4) Free from substances attributable to municipal, industrial or other discharges, or agricultural practices in concentrations or combinations which are toxic or harmful to human, animal, plant or aquatic life.
 - (5) The following criteria for water quality shall be:
 - a. **BACTERIA:** Those areas which are used for a potable water supply or where bodily contact exists, coliform group not to exceed 5000 per 100 ml as a monthly average value (either MPN or MF count); nor exceed this number in more than 20 percent of the samples examined during any month; nor exceed 20,000 per 100 ml in more than five percent of such samples.
 - (6) The following criteria are for evaluation of conditions for the maintenance of a well-balanced, warm-water fish population. They are applicable to Black River discharges for industrial cooling and processing.
 - a. **Dissolved Oxygen:** Not less than 5.0 mg/l during at least 16 hours of any 24-hour period, nor less than 3.0 mg/l at any time.
 - b. **pH:** No values below 6.0 nor above 9.0, and daily average (or median) values preferably between 6.5 and 8.5.
 - c. **Temperature:** Not exceed 93 degrees F. at any time during the months of May through November, and not to exceed 73 degrees F. at any time during the months of December through April.
 - d. **Toxic Substances:** Not to exceed one-tenth of the 48-hour median tolerance limit, except that other limiting concentrations may be used in specific cases when justified on the basis of available evidence and approved by the appropriate regulatory agency.
- C. Where there is a conflict between the Water Quality Criteria Standards of the State of Ohio and those in this Ordinance, that which is the stricter of the two shall apply.

SECTION 8: Permits.

- A. To obtain a permit to discharge any waters or wastewaters to any natural outlet within the City of Elyria, the following conditions shall be met:
- (1) Proof of permit from the Ohio Environmental Protection Agency to discharge into State of Ohio water courses, or a statement from Ohio Environmental Protection Agency that such permit is not required.
 - (2) Complete industrial waste questionnaire referred to in Section 2, Paragraph A, of this Ordinance.

- (3) Criteria of the Ohio Environmental Protection Agency on receiving stream to be met.
- B. All persons must obtain a permit to discharge any waters or wastewaters to any natural outlet within the City of Elyria. Under no circumstances does a permit from the Ohio Environmental Protection Agency excuse any person from obtaining a permit.

SECTION 9: City Water Pollution Control Board.

- A. A City of Elyria Water Pollution Control Board shall be formed and shall consist of the Safety-Service Director, the City Engineer, the Sewage Treatment Plant Superintendent, and the City Chemist. This Board shall convene for a meeting at least once a month. The meeting shall be held the first Tuesday of each month. The Chairman shall be the Safety-Service Director. The Safety-Service Director may call more meetings as the need requires.
- B. The City of Elyria Water Pollution Control Board shall have the power to:
- (1) Advise, consult and cooperate with other agencies of the State, the federal government, other states and agencies, in the furtherance of the purposes of this Ordinance;
 - (2) encourage, participate in, or conduct studies, investigations, research and demonstrations relating to water pollution, and the causes, prevention, control and abatement thereof;
 - (3) adopt, modify, repeal and promulgate rules and regulations governing the procedure of the Board with respect to hearings, filing of reports, the issuance of permits, and all other matters relating to procedure;
 - (4) issue, modify, repeal orders, subject to this Ordinance, after a public hearing, prohibiting or abating discharges of sewage, industrial waste or other wastes into the waters within the City limits of the City of Elyria.

Requiring necessary permits, pretreatment facilities, metering, and gauging and other essentials needed in abatement of water pollution required by this Ordinance;

- (5) issue, revoke, modify, or deny permits for the discharge of sewage, industrial waste or other waste into the waters within the City of Elyria. The Board may specify in permits for discharge of sewage, industrial waste and other waste, the volume and strength of such sewage, industrial waste and all other wastes which may be discharged. Those exceptions are those that are under direct permit to the State of Ohio. Applications for permits shall be acted upon by the Board in sixty (60) days;
- (6) institute or cause to be instituted in the Court of Common Pleas having jurisdiction, proceedings to compel compliance with such sections or with orders of the Board;
- (7) exercise all incidental powers necessary to carry out the purposes of this Ordinance in the abatement of water pollution within the City of Elyria, Ohio;
- (8) issue warrants and authorize certain personnel to issue warrants for arrest of violators of any section of this Ordinance, through local law enforcement agency of this City or County;

(9) Grant variances for only such period of ' as is reasonable to comply with the provisions of this Ordinance.

- C. All actions by the City of Elyria Water Pollution Control Board carried out in Section 9, Paragraph A and B, in carrying out the enforcement of this Ordinance, are subject to appeal to the Hearing Board established in Section 10, Paragraph A of this Ordinance.

SECTION 10: Hearing Board.

- A. A Hearing Board shall be appointed by Council as needed for arbitration of differences between the City of Elyria Water Pollution Control Board and sewer users on matters concerning interpretation and execution of the provisions of this Ordinance by the City of Elyria Water Pollution Control Board. The cost of the arbitration will be divided equally between the City of Elyria and the sewer user.
- B. One member of the Hearing Board shall be Chairman of the Public Safety and Environment Committee of Council; another member shall be a councilman (other than the Chairman of the Public Safety and Environment Committee of Council); another member shall be a registered engineer or practicing sanitary engineer, and another member shall be an attorney; and two members shall be selected at large for their interest in accomplishing the objectives of this Ordinance; and one member shall be a representative of industry or manufacturing enterprise; and two (2) alternates shall be designated. The Chairman of this Hearing Board shall be the Chairman of the Public Safety and Environment Committee of Council.
- C. At no time shall a hearing of the Hearing Board be held unless there are at least five (5) members present, this number constituting a quorum. A meeting shall be held at the request of the Chairman of the Hearing Board, whenever the need calls for it.

SECTION 11: Validity of Ordinance.

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

SECTION 12: This Ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

PASSED: Feb. 5, 1973
ATTEST: K. A. Krueck
Clerk of Council

John V. Bara
President of Council
APPROVED: Feb. 5, 1973

Leonard P. Reichlin
Mayor

DATE: Feb. 5, 1973