

RULES AND REGULATIONS

The Metropolitan Sewer District
of Greater Cincinnati

*Governing the Design, Construction, Maintenance,
Operation and use of Sanitary and Combined Sewers*



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Hamilton County, Ohio

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INTRODUCTION

The public mandate for national clean waters resulted in the passage by Congress of the Federal Water Pollution Control Act Amendments of 1972 (PL 92-500), the Clean Water Act of 1977 (PL 95-217), the Water Quality Act of 1987, and subsequent provisions that do not amend. The first act set into motion a vast federal endeavor to improve the sewer systems and wastewater treatment plants of the nation's municipalities through a construction grant program. The District, in order to do its part in achieving the national clean water goals, has by necessity elected to participate in the grant program. The second Act resulted in additional Federal Regulations comprising 40 CFR-Part 35 and 40 CFR-Part 403, the latter of which set forth requirements for the regulation of industrial wastes discharged to Publicly Owned Treatment Works. Subsequent legislation expanded and built on these fountainhead laws.

In an attempt to achieve the goals of these acts and regulations, the District will require that the wastes that are discharged to the public wastewater treatment system be compatible with the same. Non-compatible pollutants can physically damage the wastewater treatment system or degrade the quality of effluents therefrom below acceptable level.

In order to implement the above requirements, these rules and regulations provide the District with the legal authority to control and monitor the wastewaters discharged to the public wastewater treatment system under its management.

This control, along with other controls affected by these rules and regulations herewith presented, is necessary to provide for the consistent, reliable, and efficient functioning of the District's wastewater treatment system, and also to conform to federal and state laws and regulations.

ARTICLE I

DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms in these Rules and Regulations shall be as follows:

"Acreage Charge - (associated with Trunk Sewers)" shall mean a charge established by resolution of the Board pertaining to sewer assessment projects. These charges are on file at the District's office.

"Analytical Testing" shall mean all methods of sample collection, preservation, and analysis as prescribed in 40 CFR 136, "Test Procedures for the Analysis of Pollutants."

"Auxiliary Sewage Meter" shall mean a meter used by commercial and industrial customers to measure water that reduces and/or increases the consumption on which to base sewer and effluent charges using a combination of measurements. Customers must receive approval to install meters through an application and review process by the Metropolitan Sewer District.

"Base Flood" shall mean that flood having a one (1) percent chance of being equaled or exceeded in any given year.

"Base Flood Level" shall mean the elevation in feet above mean sea level (NGVD) of the base flood discharge.

"Batch Discharge" shall mean a discrete quantifiable discharge of a quantity of wastewater that is a homogeneous mixture, such that a grab sample taken at any time during discharge shall be representative, that is it has all the same characteristics of any other portion of the batch. The Director shall have approval of the allowable volumetric flow rate. To satisfy the MSD monitoring requirements, the discharge shall be made in accordance with a schedule approved by MSD or with a 48 hour prior notice to the Division of Industrial Waste.

"Beneficial Uses" shall mean uses of the waters of the State that may be protected against quality degradation, including but not limited to, domestic, municipal, agricultural and industrial water supply, power generation, recreation, aesthetic enjoyment, navigation and the preservation and enhancement of fish, wildlife and other aquatic resources or reserves, and other uses, both tangible or intangible as specified by Federal or State Law.

"Biochemical Oxygen Demand (BOD)" shall mean oxygen utilized in the biochemical oxidation of organic matter in five days at 20 deg. C., expressed in milligrams per liter. The values shall be as determined by the methods of Analytical Testing, except that when the BOD value is to be used in determining wastewater treatment system charges, and the BOD test does not produce an accurate measure of the oxygen demand actually exerted by the waste when undergoing treatment, then for use in determining said charges the BOD shall be calculated by whichever of the following formulae gives the more accurate measure of oxygen demand actually exerted.

$$\text{BOD} = (\text{F1}) (\text{COD}) \quad (\text{Section 109})$$

or

$$\text{BOD} = (\text{F2}) (\text{TVR})$$

Wherein F1 and F2 are constants to be determined for each wastewater treatment plant and TVR is the Total Volatile Residue in milligrams per liter as determined by the methods of Analytical Testing.

"Board" shall mean the Board of County Commissioners of Hamilton County, Ohio.

"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 a building and conveys it to the building sewer. The building drain shall extend to three (3) feet outside the building wall.

"Building Drain - Combined." A building drain which conveys both sewage and storm water or other drainage.

"Building Drain - Sanitary." A building drain which conveys sewage only.

"Building Drain - Storm." A building drain which conveys storm water or other drainage, but no sewage.

"Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

"Building Sewer - Combined." A building sewer which conveys both sewage and storm water, or other drainage.

"Building Sewer - Sanitary." A building sewer which conveys sewage only.

"Building Sewer - Storm." A building sewer which conveys storm water or other drainage, but no sewage.

"Bypass" means the intentional diversion of a waste stream from any portion of an Industrial User's treatment facility.

"Categorical Pretreatment Standards" are effluent limitations and other requirements applicable to wastewater discharged to POTW's by Industrial Users as authorized by the Clean Water Act and set forth as regulation in 40 CFR Chapter I Subchapter N - Effluent Guidelines and Standards, and/or as set forth in Chapter 3745-3 of the Ohio Administrative Code.

"CFR" shall mean the Code of Federal Regulations.

"Chemical Oxygen Demand - COD" shall mean the oxygen equivalent of that portion of the organic matter that is susceptible to oxidation by a strong chemical oxidant. The values shall be as determined by the methods of Analytical Testing.

"**City**" shall mean the City of Cincinnati, Ohio.

"**City Manager**" shall mean the City Manager of Cincinnati, Ohio.

"**Cleaned Waste Waters**" shall mean those liquid wastes which meet the criteria established by the NPDES Permit issued by the Ohio Environmental Protection Agency for effluents discharged to the particular watercourse receiving the discharge.

"**Combined Sewer**" shall mean a sewer that is intended to serve as a storm sewer and a sanitary sewer.

"**Commercial User**" shall mean any and all users of the wastewater treatment system not otherwise classified.

"**Compatible Pollutant**" shall mean: biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria plus additional pollutants identified by the Director if the treatment works, in fact, does remove such pollutants to a substantial degree. The term substantial degree is not subject to precise definition, but generally contemplates removals in the order of 80 percent or greater. Minor incidental removals in the order of 10 to 30 percent are not considered substantial. Examples of the additional pollutants that may be considered compatible include:

- ▶ Chemical oxygen demand
- ▶ Total organic carbon
- ▶ Phosphorus and phosphorus compounds
- ▶ Nitrogen and nitrogen compounds
- ▶ Fats, oils and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the wastewater treatment works.)

"**Connection Charge - (Also referred to as tap-in charge)**" shall mean a charge established by resolution of the Board pertaining to sewer assessment projects. These charges are on file at the District's office.

"**Contamination**" shall mean an impairment of the quality of the Waters of the State by waste to a degree that creates a hazard to the public health, e.g., through poisoning or through the spread of disease. Contamination shall include any equivalent effect resulting from the disposal of wastewater, whether or not Waters of the State are affected.

"**Control Authority**" shall mean the Board.

"**Cooling Water**" shall mean the cleaned wastewater discharged from any system of heat transfer such as condensation, air conditioning, cooling or refrigeration.

"**County**" shall mean Hamilton County, Ohio.

"**Days**" shall mean calendar days in reference to time period requirements.

"Degree of Protection from Flooding" shall mean the extent of protection from flooding designed and achieved.

"Department" shall mean the District established by the City of Cincinnati for the purpose of managing and operating The Metropolitan Sewer District of Greater Cincinnati for the Board of County Commissioners of Hamilton County, Ohio, and its authorized employees.

"Department of Water Works" shall mean the Department of Water Works of the City of Cincinnati.

"Development" shall mean any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

"Director" shall mean the Director of the District, or his authorized agent.

"District" shall mean The Metropolitan Sewer District of Greater Cincinnati.

"EPA" shall mean The United States Environmental Protection Agency (Distinguished from the Ohio EPA).

"Family Units" shall mean the number of single-family residential equivalent units served as one customer. Such equivalents are determined and are to be as assigned by the District. One single-family residential unit equals 400 g.p.d. of sanitary sewage.

"Federal Act" shall mean The Federal Water Pollution Control Act (PL 92-500), the Clean Water Act of 1977 (PL 95-217), the Water Quality Act of 1987, and any amendments thereto; as well as the guidelines, limitations, and standards promulgated by the Environmental Protection Agency pursuant to the Act.

"Flood" or "Flooding" shall mean a general or temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters; and the usual and rapid accumulations or runoff of surface waters from any source.

"Flood Plain" shall mean any land susceptible to being inundated by water from any source.

"Floodway" shall mean that portion of any flood plain area which is needed to carry the flow of water during a base (100 year) flood without causing an increase in the base flood level of more than one (1) foot NGVD (mean sea level).

"Floodway Fringe" shall mean that part of any flood plain that is outside of the floodway area.

"Foundation Drain" shall mean any subsurface drain used to collect subsurface water from a footer or substructure of a building.

"Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, or dispensing of food, or from the handling, storage, or sale of produce. (Distinguished from Shredded Garbage).

"Holding Tank Waste" shall mean any sanitary waste from holding tanks or chambers such as are used in connection with boats, chemical toilets, campers, trailers, or other isolated facilities from which sanitary wastes emanate. This definition includes sanitary wastes from septic tanks.

"Incompatible Pollutant" shall mean any pollutant that is not a compatible pollutant as defined in this section.

"Industrial Plant" shall mean any facility that discharges industrial wastes.

"Industrial User" shall be any user that discharges industrial wastes.

"Industrial Wastes" shall mean the wastes admissible to the wastewater treatment system from industrial manufacturing processes, trade or business; or from the development, recovery, or processing of natural resources, as distinct from sanitary sewage.

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

(1) Inhibit or disrupt the POTW, its treatment processes or operation, or its sludge processes, use or disposal; and

(2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA); the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

"Kjeldahl Nitrogen" shall mean the sum of free-ammonia and organic nitrogen compounds that are converted to ammonium sulfate $(\text{NH}_4)_2\text{SO}_4$, under test conditions. The values shall be as determined by the methods of Analytical Testing.

"Long Term Discharge" shall mean the discharge of industrial waste or contaminated stormwater/groundwater for a continuous, non-discrete period.

"Maintenance" shall mean keeping the wastewater treatment works in a state of repair and shall include expenditures necessary during the service life of the treatment works to maintain the capacity (capability) for which said works were designed and constructed.

"Mass Emission Rate" shall mean the weight of material discharged to the sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean kilograms per day of a particular constituent or combination of constituents.

"mg/l" shall mean milligrams per liter.

"MSD" shall mean the Metropolitan Sewer District of Greater Cincinnati.

"MSD R & R" shall mean these Rules and Regulations where cited as such.

"Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

"New Source" means any building, structure, facility or installation from which there is or may be a discharge to a POTW of pollutants, the construction of which commenced after the publication of proposed 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) the building, structure, facility or installation is constructed at a site at which no other source is located; or (b) the building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or (c) the production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site.

"Nonsignificant Industrial User" shall mean any Industrial User that is not a Significant Industrial User but by the nature of its operations may be issued a wastewater discharge permit.

"Normal Strength Sewage" shall mean sewage having average concentration values of not more than the following in the pollutant categories indicated:

Biochemical Oxygen Demand	240 mg/l
Suspended Solids	300 mg/l
Total Phosphorus as P	20 mg/l
Total Kjeldahl Nitrogen as N	25 mg/l
Biodegradable oils and greases	in less than floating amounts.

"NPDES Permit" shall mean National Pollutant Discharge Elimination System Permit.

"Nuisance" shall mean anything which is injurious to health, or is indecent or offensive to the senses, or is an obstruction to the free use of property so as to interfere with human comfort or enjoyment of life or property, whether affecting individual interests per se or affecting at the same time an entire community or neighborhood of any considerable number of persons; although the extent of the annoyance, interference or damage may not be inflicted equally upon the persons therein.

"**OEPA**" shall mean The Ohio Environmental Protection Agency.

"**Operation**" shall mean causing the wastewater treatment works to function for its intended purposes and shall include expenditures necessary during the service life of the wastewater treatment works to maintain the performance for which said works were designed and constructed.

"**Person**" shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns.

"**pH**" shall mean the logarithm to the base 10 of the reciprocal of the concentration of hydrogen ion in grams per liter of solution.

"**Phosphorus**" shall mean total phosphorus content in wastewater as determined by the methods of Analytical Testing.

"**Pollution**" shall mean an alteration of the quality of the Water of the State by waste to a degree that affects such waters for beneficial use or facilities that serve such beneficial uses. Pollution may include contamination.

"**Publicly Owned Treatment Works**" ("**POTW**") shall mean the same as "Wastewater Treatment System" ("**WTS**").

"**Premises**" shall mean a parcel of real estate including any improvements thereon that is determined by the District to be a single user for purposes of using the services of the wastewater treatment system.

"**Private Sewer**" shall mean a sewer that is owned, operated, and maintained by a person other than a public authority.

"**Public Authority**" shall mean any government entity having jurisdiction.

"**Public Sewer**" shall mean a sewer that is controlled, owned, operated, and maintained by a public authority.

"**Regional Administrator**" shall mean the Regional Administrator of the United States Environmental Protection Agency for Region V.

"**Replacement**" shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which said works were designed and constructed. Operation and maintenance includes replacement.

"Residential User" shall mean any single- or two-family housing unit.

"Responsible Official" shall for a corporation be a responsible corporate officer, or the manager of facilities having more than 250 employees or gross annual sales or expenditures exceeding \$25 million in second-quarter 1980 dollars as defined in Table 40, Code of Federal Regulations, Section 403.12 (I), provided signatory authority has been assigned to the manager; for a partnership, a general partner; for a sole proprietorship, the proprietor; or a duly authorized representative of the general partner or proprietor, provided that the authorization is in writing, the party authorized has overall responsibility for operations or environmental matters, and the written authorization has been submitted to the District.

"Sanitary Sewage" shall mean sewage containing water-carried wastes contributed from premises by reason of human occupancy.

"Sanitary Sewer" shall mean a sewer that carries sanitary sewage and industrial wastes and to which storm, surface and groundwaters are not intentionally admitted.

"Scheduled Monitoring" shall mean monitoring performed by MSD.

"Self-monitoring" shall mean monitoring performed by the User.

"Service Area" shall mean the local jurisdictions designated by the Board to which the services of the wastewater treatment system are provided by MSD.

"Severe Property Damage" in connection with a bypass means substantial physical damage to property, 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.

"Sewage" shall mean a combination of the liquid and water-carried waste discharged from premises.

"Sewer" shall mean any pipe or conduit for conveying wastewater or drainage water.

"Sewer System" shall mean all facilities for collecting, pumping, and transporting wastewater to the treatment facilities.

"Shall" is mandatory; **"May"** is permissive.

"Shredded Garbage" shall mean garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 2 inch in dimension (Distinguished from "Garbage").

"Significant Industrial User" shall mean (a) all non-residential Users subject to categorical pretreatment standards; (b) any other non-residential User that discharges an average of 25,000 gallons per day or more of process wastewater to the wastewater treatment system, or contributes a process wastestream which make up 5 percent or more of the average dry weather hydraulic or organic capacity of the wastewater treatment plant, or has a reasonable potential, in the opinion of the Director, to adversely affect the wastewater treatment plant operation or for violating any pretreatment standard or requirement, including

without limitation Sections 1513, 1514, 1516, 1517, 1518 and 1519; provided that the Director may at any time, on his own initiative or in response to a petition received from an Industrial User not subject to categorical pretreatment standards, determine that the non-categorical Industrial User is not a significant Industrial User if said User has no reasonable potential for adversely affecting the wastewater treatment plant's operation or for violating any pretreatment standard or requirement.

"Single-family Residence" shall mean one room, or a suite of two or more rooms, with sanitary facilities in a dwelling, designed for or used by a family for living and sleeping purposes. "Family" is defined as an individual or any number of individuals who live together in a single household unit.

"Slug Loading" shall mean the discharge to the wastewater treatment system of any pollutant at a flow rate or in a concentration which will cause Interference.

"Special Flood Hazard Areas" shall mean all that area within Zones A1-30 and unnumbered A Zones on the Flood Insurance Rate Maps of any community within the jurisdiction of the Metropolitan Sewer District of Greater Cincinnati, Hamilton County, Ohio; and all that area within said jurisdiction which is designated as being within the flood plain of various streams in Appendix A of the Storm Drainage and Open Space Master Plan for Hamilton County, Ohio.

"Special Permit" shall mean a permit issued for special conditions as directed by the District.

"Standard Industrial Classification" shall mean the classification of users based on the 1972 Standard Industrial Classification Manual (SIC), Office of Manpower and Budget of the United States of America.

"Standard Methods" shall mean the publication: STANDARD METHODS FOR THE EXAMINATION OF WATER AND WASTEWATER, latest edition, American Public Health Association, American Water Works Association, Water Pollution Control Federation.

"Storm Sewer" or **"Storm Drain"** shall mean a sewer which carries storm waters, surface runoff, street wash waters and drainage, foundation drains, ground water, roof runoff, subsoil drains, subsurface drainage, swimming pool water, but which excludes sanitary sewage and industrial wastes, other than unpolluted cooling water and unpolluted industrial process water.

"Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, ter. sewage, or other liquids, and which are removable by laboratory filtering, expressed in milligrams per liter. The value shall be as determined by the methods of Analytical Testing as modified to provide a neutral pH.

"Tap-in-Fee" shall mean a fee established by the Board for the benefit of connecting to the sewage treatment system operated by the District. The fee is the proportionate share of the capitalized cost of the facilities (refer to Section 1215 of these Rules and Regulations).

"Total Solids" shall mean solids that remain after all liquid has been evaporated, expressed in milligrams per liter. The values shall be as determined by the methods of Analytical Testing.

"Toxic Pollutant" shall mean any pollutant which is identified as such by the U.S. EPA or which is designated as toxic by the Director.

"Unpolluted Water" shall mean water to which no constituent has been added either intentionally or accidentally or which is designated as unpolluted by the Director.

"User" shall mean any person that discharges, causes, or permits the discharge of wastewater into a public sewer.

"User Charge" shall mean the amount levied on users of a treatment works for the cost of operation, maintenance and interim replacement of such works. Expenditures for obtaining and installing replacement equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance of such works for their normal life expectancy may be termed as interim replacements and are items to be included in the user charge.

"User Classification" shall mean the identification of a user as to the type of premises from which wastewater is discharged. Such classification shall be assigned by the District and shall include residential, industrial, public and commercial user.

"Viscous" shall mean the characterization of a physical property of a fluid or semi-fluid which can result in detrimental resistance to wastewater flow from the fluid or semi-fluid itself or in combination with other substances.

"Waste" shall mean sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation; or of human or animal origin; or from any production, manufacturing, or processing operation of whatever nature, including such wastes placed within containers of whatever nature prior to, and for purposes of disposal.

"Wastewater" shall mean a combination of the liquid and water-carried wastes from premises together with any groundwater, surface water, or storm water that may be present.

"Wastewater Constituents and Characteristics" shall mean the individual chemical, physical, bacteriological and radiological parameters including volume and flow rate; and such other parameters that serve to define, classify or measure the contents, quality, quantity and strength of wastewater.

"Wastewater Treatment Plant" shall mean any arrangement of devices and structures used for treatment of wastewater.

"Wastewater Treatment System" (WTS) shall mean the same as "POTW," and shall mean all of the connected treatment works necessary to meet the requirements of Title III of the Federal Act and involved in: (a) the transport of wastewater from premises to a plant or facility wherein treatment of the wastewater is accomplished; (b) the treatment of the wastewater to remove pollutants; and (c) the ultimate disposal, including recycling or reuse, of the treated wastewater and residues resulting from the treatment process. One wastewater treatment system normally would include one wastewater treatment plant or facility, but in instances where two or more wastewater treatment plants are interconnected, all of the interconnected wastewater treatment works thereof shall be considered as one wastewater treatment system.

"Wastewater Treatment System (WTS) Service Charge" shall mean the charge levied against users to recover the costs of rendering wastewater treatment system service for normal strength sewage. This charge is a combination of the user charge and a charge for the local share of the capital cost of rendering such service.

"Wastewater Treatment System (WTS) Surcharge" shall mean the charge, over and above the WTS Service Charge, levied against users to recover the costs of rendering wastewater treatment system service for discharges whose strength is in excess of that of normal strength.

"Wastewater Treatment Works" shall mean any devices and systems used to develop and implement wastewater treatment management plans and practices which will achieve the goals of the Federal Act and the Board of County Commissioners of Hamilton County, Ohio. Wastewater Treatment Works include intercepting sewers, or outfall sewers; sewage collection systems; pumping, power, and other equipment and their appurtenances; and any other works which will be an integral part of the wastewater treatment process or treatment residue disposal system.

"Waterway or Watercourse" shall mean a channel in which Waters of the State flow either continuously or intermittently.

"Waters of the State" shall mean any water, surface or underground, including saline waters within the boundaries of the State, except those private waters which do not combine or effect a junction with natural surface or underground waters.

ARTICLE II

CONTROL OF SEWERS

Section 201 Control

All public and private sanitary and combined sewers, and all private sanitary and combined sewers which discharge into public sewers, in the Metropolitan Sewer District service area shall be controlled by the Director.

Section 202 Ownership

All public or private sanitary and combined sewers shall continue to be owned by the respective public or private owners now owning same until such time as the owner and the Board mutually agree to a transfer of ownership to the Board.

Section 203 Approval of Construction

No public or private sanitary or combined sewer shall be constructed within the jurisdiction of the District without the prior written approval of the Director.

Section 204 Connection to WTS

Any connection to a public or private sanitary or combined sewer within the jurisdiction of the District shall be subject to these Rules and Regulations and to any charges, rates, fees and assessments which are or may be established by the Board as being applicable, and shall be made under permits issued by the Director.

Section 205 Extension or Modification

No extension or modification shall be made to any sanitary or combined sewer, controlled by the District, without the prior written approval of the Director.

Section 206 Construction of Structures Over Sewers

The policy of the Board of County Commissioners of Hamilton County (BOCC) regarding the construction of structures over public sewers and appurtenances and regarding the construction of public sewers and appurtenances beneath structures within the jurisdiction of MSD is as follows:

MSD will permit no structure of any kind which can interfere with access to a public sewer or exert loading upon a public sewer to be placed in or upon a permanent sewer easement, excepting items such as

recreational surfaces, paved areas for parking lots, driveways, or other surfaces used for ingress or egress, plants, trees, shrubbery, fences, landscaping or other similar items, being natural or artificial.

MSD will permit no public sewer to be constructed beneath a structure of any kind which can interfere with access to the said public sewer or exert loading upon the said public sewer, excepting items such as recreational surfaces, paved areas for parking lots, driveways, or other surfaces used for ingress or egress, plants, trees, shrubbery, fences, landscaping or other similar items, being natural or artificial.

Any deviation from the aforesaid restrictions may be allowed only by BOCC. An owner may petition for an exception by written request to BOCC. Each such request shall be considered on an individual basis, and BOCC will grant any such exceptions by resolution.

Section 207 Sewer Easement Restrictions

All easements for public sanitary and combined sewers obtained or granted after September 13, 1978, shall be subject to the following restrictions:

No structure of any kind which can interfere with access to said public sewer shall be placed in or upon a permanent sewer easement, excepting items such as recreational surfaces, paved areas for parking lots, driveways, or other surfaces used for ingress and egress, plants, trees, shrubbery, fences, landscaping or other similar items, being natural or artificial. Any of the aforesaid surfaces, paved areas, plants, trees, shrubbery, fences, landscaping or other similar items which may be placed upon such said permanent easement shall be so placed at the sole expense of the property owner, and the grantees or assigns of any permanent easement henceforth shall not be responsible to any present owners of the property, nor to their heirs, executors, administrators or assigns, for the condition, damage to, or replacement of any such aforesaid items, or any other items placed upon the easement, resulting from the existence or use of the said permanent easement by the grantees or assigns.

Any structure constructed on said property in which said permanent sewer easement exists shall be kept not less than three (3) feet outside the permanent sewer easement line nearest the site of the proposed structure.

Any deviation from the aforesaid restrictions shall be petitioned by written request to the Board or their assigns. Each such request shall be considered on an individual basis.

Section 208 Infiltration/Inflow to Private Sewers

The owner of a private sanitary sewer shall be responsible for any future updates necessary to prevent excessive infiltration and/or inflow from entering the private sewer system.

Section 209 Degree of Protection from Flooding

MSD does not guarantee protection from flooding to those consumers who connect to the public sewer system. Potential for flooding varies with the geographic location and elevation of the property served. Varying conditions may affect the operation and maintenance of the sewer mains, building connections, pump stations and other sewer system appurtenances. It is recommended that consumers and their representatives investigate and become aware of local sewer conditions and topography, laws, rules and regulations so that the desired degree of protection for new construction can be designed and achieved.

ARTICLE III

COMBINED SEWERS

Section 301 Construction; Extension of Sewers

The construction of and/or extension to combined sewers are hereby prohibited, unless approved by the District.

Section 302 Connections to Combined Sewers

Except as may be modified by the Codes of the State of Ohio and the City of Cincinnati, Ohio, Basic building Code-Plumbing Code Section 1151-69, individual properties shall install a separation manhole at the junction of the building sewer-storm and building sewer-sanitary at the public right-of-way for the purpose of discharging combined wastes to a public combined sewer in accordance with Standard Drawing Acc. No. 49063.

In selected areas designated by the Director, separation for residential properties shall be provided for all new connections to the combined sewer systems. For residential properties, a "Y" connection and cleanout in accordance with Standard Drawing Acc. No. 49047 may be used in lieu of a separation manhole.

Section 303 Detention Requirements for Stormwater Connections or Modifications

Stormwater connections or modifications which involve stormwater ultimately tributary to the combined sewer system shall be subject to the District's Policy for Stormwater Detention Facilities, as specified below:

POLICY FOR STORMWATER DETENTION FACILITIES

- A. The volume of stormwater detained shall be the difference in runoff volume from the predeveloped site over a ten-year event of one hour duration and the postdeveloped site under a twenty-five year event of one hour duration. The peak rate of runoff from the site after development for a twenty-five year storm event of one hour duration shall not exceed the predevelopment site peak runoff for a ten-year event of one hour duration.
- B. Peak flow rates shall be determined by the Rational Method which is appropriate for small drainage areas.

The basic formula for the Rational Method is $Q = CiA$

Where Q is the peak rate of runoff in cubic feet per second, C is the runoff coefficient, and i is the average intensity of a storm of given frequency for a selected duration in inches per hour, and A is the area in acres.

- C. The required storage volume, S, in cubic feet, for the detention facility shall be computed by the following:

$$S = V*(1-Q1/Q2)*1.15$$

where V = Q2*3600 is the volume of runoff and 1.15 represents a 15 percent safety factor which may be applied at the discretion of the District.

Q2 is the post development peak flow for a twenty-five year storm of one hour duration and Q1 is the predevelopment peak flow for a ten-year storm of one hour duration. Q1 is also the maximum allowable release rate at storage volume S.

The above equation reduces to the simplified form:

$$S = 4140(Q2 - Q1)$$

or S = 3630 (Q2 - Q1) without the safety factor.

- D. The applicable rainfall intensities for these storm events are provided below:

$$i = 2.03 \text{ inches/hour} \quad (\text{ten-year})$$

$$i = 2.42 \text{ inches/hour} \quad (\text{twenty-five year})$$

These rainfall intensities have been developed for Cincinnati from the latest precipitation data contained in the U.S. Department of Commerce Technical Memorandum NWS HYDRO-35 and Technical Paper No. 40, and supersede all previous work.

- E. Runoff coefficients (C-values) adopted for use in the Rational stormwater drainage in Cincinnati are provided below:

Runoff Coefficients
for the Rational Method

Land Use	Runoff Coefficient
Residential	0.5
Multi-family	0.6
Commercial and Business Districts	0.8
Industrial Districts	0.7
Open Space (parks, golf courses, cemeteries meadows, grass, woods, lawns, etc.)	0.3

Impervious Areas (parking lots, roads, rooftops)	0.9
Steep wooded hillside slope > 10 percent	0.5

Composite Runoff Coefficients- If the runoff coefficient varies over a subarea, a composite coefficient can be calculated as an average, weighted by the area of the various runoff coefficients.

- F. All detention facilities shall provide a passive emergency discharge outlet which shall be used only when the required storage volume is exceeded.
- G. Stormwater detention facilities shall be private with operation, maintenance and associated liability thereof being the responsibility of the owner.

A stormwater detention pond or lake location must have its private storm drainage limits prepared by the Developer or his Engineer on a record plat by the metes and bounds description. The record plat is to be submitted to MSD for review and approval. The District shall have the plat recorded.

The said limit area and all improvements in it shall be maintained continuously by the Owner. No structures, planting or other material, shall be placed or permitted to remain which may obstruct, retard or change the direction of the flow of water through the drainage channel in the said limits.

Similar requirements shall apply for private storm basin easement limits when multiple owners are involved.

- H. Any waiver of or exception to these requirements shall be determined by the Director on a case-by-case basis.

For protection of the environment and downstream property, the District's detention requirements may be more restrictive in sensitive areas.

Responsibility for proper maintenance of detention facilities and appurtenances shall be with the property owner granted permission to make connection with the District's combined sewer system. It shall be the responsibility of any current or subsequent owner to transfer and record this responsibility should property ownership change.

Under no circumstances shall alterations affecting the volume, operation, or release rate be made without first obtaining written permission from the District.

Other governmental agencies may impose their own jurisdictional detention requirements providing the release rates and storage volumes meet or exceed those satisfactory to the District as determined by the Director.

Section 304 Basement Flooding Problems in Areas Served by Combined Sewers

The policy of the Board allows for consideration of cost sharing between the Board and a local jurisdiction for improvements made in an area served by a combined sewer system to alleviate chronic basement

flooding, as provided below:

The Director of the Metropolitan Sewer District shall identify to the Board of County Commissioners each project proposed for the reduction of combined sewer basement flooding, and he shall describe the project scope, its estimated total cost, and his recommendation for apportionment of costs among participating agencies. The Board shall approve in advance of any such project being undertaken.

The Director shall recommend only those projects where he has determined that the combined sewer contributes to chronic basement flooding.

The Director shall determine that the combined sewer does not presently have the capacity to convey the flow from a 10-year, 24-hour storm.

The basement flooding must be localized to a small area.

The improvement must significantly reduce the incidence of basement flooding.

The proposed project shall be the most cost effective alternative for the resolution of the chronic basement flooding problem.

The MSD share of the proposed improvement shall be less than 50%.

ARTICLE IV

USE OF THE WASTEWATER TREATMENT SYSTEM

Section 401 Unauthorized Discharge/Connection

No person shall discharge or cause to be discharged, either directly or indirectly, to the sanitary sewer system, surface water, foundation drains, groundwater, roof runoff, subsoil drains, subsurface drainage, cooling water, swimming pool water or unpolluted industrial process water as determined by the Director.

No water resulting from basement waterproofing solution methods shall be discharged to the sanitary sewer system directly or indirectly.

Should the owner of such an unauthorized connected premise fail to remove the unauthorized connection within ninety (90) days of being notified by the Director, the Director will issue a second violation notice giving the owner of the premises an additional 90 days to correct the violation and advising the owner that fines may be incurred commencing after thirty (30) days beyond the 90 day second violation period. After 30 days, third violation notices are sent advising the property owner that they may be incurring fines of up to \$100 per day accumulative until the violation is corrected.

Any such connection shall be considered unauthorized, and shall be subject to immediate removal by the owner of the premises so connected.

All removal costs shall be at the owner's expense, except as follows in specified areas: As authorized by the Ohio Revised Code Section 6117.012 and in accordance with the funded program for "District Funded Elimination of Improper Stormwater Inflows" as adopted by the Board of County Commissioners by Resolution dated January 2, 1992, the District may reimburse the participating owner of a premises up to a maximum of \$3,000 for corrective work to remove improper stormwater inflows which were in existence prior to April 12, 1968 or prior to the date such premises became under MSD jurisdiction.

Section 401-A Program for District-funded Elimination of Improper Stormwater Inflows

1. Purpose. The purpose of this Program is to reduce significantly improper stormwater inflows in the most cost-effective manner, in order to eliminate or reduce instances of surcharged sanitary sewers due to improper inflows, which are inimical to public health and welfare; and to maximize efficient operation of the District's wastewater treatment plants. "Improper stormwater inflows" as used in this Program include any kind of stormwater connection or inflow into the sanitary sewer system prohibited by MSD Rules and Regulations.
2. Eligible Participants. This Program may be utilized only for: (a) Improper stormwater inflows which were in existence prior to April 12, 1968 (the date of the agreement establishing MSD);

or, (b) for premises in areas which were included in the MSD at a later date, improper stormwater inflows which were in existence prior to the date of such inclusion. The reason for this limitation is to preclude implementation of this Program as to improper stormwater inflows established under MSD jurisdiction.

This Program may be implemented only in political subdivisions within the District in which building, health, or other codes prohibit future improper stormwater inflows.

3. Target Areas; Orders. The Director of MSD (the "Director") may implement and make available this Program throughout the District, or instead only in target areas within the District determined by the Director as having the highest priority for reduction of stormwater inflows based on surcharging problems. When the Director issues orders for removal of improper stormwater inflows in an area where the Program is being implemented, the Director shall inform the owner of the availability of the Program. Participation in the Program shall be voluntary; owners declining to participate shall be required to proceed with removal of the improper inflow at the owner's expense.
4. Scope of Work. The Director shall determine for each participating premises the scope of work for reduction of improper stormwater inflows which may be paid for with Program funds, with the goal of achieving the most cost-efficient and timely reductions. If work paid for under this Program does not eliminate every improper stormwater inflow for a participating premises, the Director is not precluded from issuing supplemental orders concerning such premises under Section 401 of the Rules and Regulations of MSD.

For each participating premises the maximum cost which may be paid with MSD funds shall be \$3,000. If additional work is required it shall be performed at owner expense.

5. Approved Contractors. The Director may establish a list of private contractors approved for performing work under this Program based on qualifications including experience, quality of work and insurance. Participating owners may propose additional contractors for inclusion in the approved list.
6. Contractor Selection. Participating owners shall select an approved contractor in accordance with a competitive process established by the Director. After MSD review and approval of the contractor selection and contract price, the owner shall contract with the selected contractor for performance of the approved scope of work. Neither the District nor the Board of County Commissioners shall be a party to such contract. The owner's contract shall specify that the owner's final payment to the contractor shall not be made until the work is inspected and approved by MSD and approved by the owner, and shall require the contractor to secure any building permits as may be necessary.

The Director may establish rules authorizing reimbursement or partial reimbursement for owner-performed work.

7. Release. As a condition to participation in the program the owner shall release the Board of County Commissioners, the City of Cincinnati, and their officers and employees from all liability relating to the work.
8. Payment. After the work is inspected and approved by MSD and approved by the owner the Director shall authorize payment for 100% of the cost of the approved work (subject to the \$3,000

maximum) from District funds appropriated to Capital Improvement Project No. 91-18. partial payments may be made. Payment may be made to the owner or jointly to the owner and contractor. No payments under this Program are subject to reimbursement by owners.

9. Maintenance. Participating owners shall be responsible for maintaining any improvements constructed under this Program.
10. Director Rules. The Director may establish such further criteria and rules as are required to implement this Program. In implementing this Program the Director is authorized to waive strict application of the requirement in section 401 of the Rules and Regulations of MSD whereby removal of unauthorized connections to the sanitary sewer system is to be performed at the owner's expense.

Section 402 Municipalities

No sanitary sewer or sanitary sewer system shall be constructed within any municipality, which connects either directly or indirectly to a wastewater treatment works controlled by the District, until such municipality has adopted an ordinance prohibiting any unpolluted waters therefrom and meeting the standards of these Rules and Regulations. It shall be the responsibility of each municipality to enforce the provisions of said ordinance. The Director may refuse to permit a connection, either directly or indirectly, to the wastewater treatment system by or within any municipality until that municipality adopts such an ordinance.

Section 403* Discharge of Polluted Waters

No person shall discharge or cause to be discharged to any natural outlet or storm sewer any sanitary sewage or other polluted waters. Effluent from privately owned individual household disposal devices, shall not be discharged to storm sewers.

- * Enforcement of this regulation is the responsibility of the several Boards of Health. Its appearance here is for informational purposes only.

Section 404 Discharge of Stormwater

Storm water and all other unpolluted drainage shall be discharged into such sewers as are specifically designed and designated as storm sewers or to a natural outlet where either is available in accordance with the requirements of the public jurisdictional authority. Said unpolluted drainage shall only be discharged to a combined sewer when a storm sewer or natural drainage course does not exist or is unavailable as determined by the District.

Section 405 Open Sewer

No person constructing a sanitary sewer or sanitary building sewer, shall leave same open, unsealed or

incomplete in such fashion as to permit storm or subsurface water to enter such sewers.

Section 406 Excavation/Fill Permit

Any person owning or having possession, charge or management of any lot or parcel of real estate in which there exist public or private wastewater treatment works and on which an excavation/fill is to be made, shall, before making such, apply to the Director for a permit authorizing the same to be made. This application shall consist of submitting drawings to the appropriate agency showing plan and profile of the existing and proposed work to be performed over the existing sewer. These plans shall be sealed and signed by a Registered Engineer or Surveyor.

Prior to any work commencing, the owner/applicant shall engage an approved engineering firm to inspect the existing sewer system and submit to the District a written report with a video tape and/or photographs of the existing conditions of said sewer. In addition, above ground shots showing the area from manhole to manhole will be required. This report shall also include items such as T-Locations, voids, distortions from original shape, cracks in invert, crown, etc., sediment buildup, active or inactive slide conditions and the station or distance from existing manholes concerning each item or other pertinent information. This report shall be signed and sealed by a registered engineer and will be reviewed by the District to determine if replacement or rehabilitation of the sewer system is necessary.

The owner/applicant shall also submit a letter of intent from the engineering firm stating that they will submit to the District a final report, including the items listed above, no sooner than one year after the work has been completed.

Prior to any inspection work commencing, said engineering firm shall be required to sign a waiver of liability holding the District (City of Cincinnati/Hamilton County Board of Commissioners) harmless from all claims, action, damages or injuries to persons, etc., which may occur while inspecting the existing and/or new sewers.

If the Director is satisfied that the proposed excavation/fill will not obstruct, damage or interfere with any lawfully existing public or private wastewater treatment works, under his management, he shall issue a permit authorizing the fill.

In the event it becomes necessary to adjust, relocate or otherwise modify any existing public or private wastewater treatment works as a result of the excavation/fill, the applicant authorized to make the excavation/fill shall, at his expense, make such adjustments, relocations or modifications, as required by the Director, before or during the excavating/filling operation. The applicant shall post a bond, in an amount to be determined by the Director, covering the replacement cost of the existing or modified public or private wastewater treatment works and guaranteeing that the aforementioned excavation/fill will not damage the public or private wastewater treatment works either existing or modified. The bond shall be in force for a period of one (1) year after the work is completed. It will be the owner's/applicant's responsibility to contact the District when all work has been completed to commence the one year waiting period prior to the final inspection taking place.

Section 407 Tampering; Damaging

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, deface, cover, or tamper with any wastewater treatment works which is a part of the wastewater treatment system under the Director's management. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Section 409 Retention of Records

All Users subject to these Rules and Regulations shall retain and preserve for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of a User in connection with its discharge. All records that pertain to matters which are the subject of enforcement or litigation activities brought by the District shall be retained and preserved by the User until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired. Any or all of the aforementioned shall be made available to the District, OEPA and USEPA for inspection and photocopying at reasonable times and places.

ARTICLE V

APPROVAL OF PLANS FOR WASTEWATER TREATMENT WORKS

Section 501 Approval of Plans and Specifications

No sanitary or combined sewers which discharge either directly or indirectly into the wastewater treatment system, wastewater lift stations, or wastewater treatment plants under the management of the Director, shall be constructed without prior written approval of the Director of the plans and specifications for the sewer improvement as to (a) Concept and (b) Detail.

Approval of wastewater lift stations and wastewater treatment plants will be limited to providing service only to those areas where a gravity sanitary sewer system is not feasible as determined by the Director. The Director will consider the following factors in determining feasibility:

1. 50-year economic analysis;
2. Interest rate;
3. Offsetting environmental concerns;
4. Availability of necessary easements;
5. Other items or factors applicable to the specific situation.

Section 502 Plan Submission Requirements

Plans submission requirements for Review shall be as follows:

CONCEPT REVIEW

- A. LETTER: (To contain the following):
 1. A request for plan review and approval.
 2. Type of development, e.g., residential, commercial, industrial, etc. Include information as to size of development, number of units, etc.
 3. An estimate of sanitary flow generated by the proposed development.
 4. An estimate of cost for the wastewater treatment works, including a separate item for any wastewater treatment plant or wastewater lift station proposed in the design.
 5. A time schedule for construction of the development in terms of dwelling units per year or proportion of the estimated flow to be added to the wastewater treatment system.
- B. PLANS:

1. Three (3) prints showing proposed development on a 200 scale Hamilton County Topographic Map. (Submit five (5) prints if a Lift Station or Treatment Plant is proposed). This plan should show street layouts, existing sanitary, combined, and storm sewers, including sewer numbers, sizes, grades, locations and invert elevations. All existing work should be shown with dashed line work. With solid line work, engineer should show proposed sanitary and storm sewer locations, sizes, grades and flow arrows (or invert elevations).
2. In lieu of the above, the engineer may elect to submit detailed construction drawings for concept reviews. In such cases, the same number of sets as outlined above will be needed. The letter containing the information requested above will be necessary in either case.
3. Grading Plan.

C. FIFTY (50) YEAR ECONOMIC ANALYSIS FOR WASTEWATER LIFT STATIONS AND TREATMENT PLANTS

A 50-year economic analysis for proposed lift stations or wastewater treatment plants must be submitted with the request for concept approval in accordance with Articles VII and VIII. Guidelines for the preparation of the 50-year economic analysis are available upon request.

DETAIL REVIEW

1. Prior Concept Approval.
2. Four (4) sets of Detailed Plans.
3. Drainage Area Map.
4. Drainage Computations.

CONCURRENT CONCEPT AND DETAIL REVIEW

If the nature or simplicity of the proposed wastewater treatment works is such that concept and detail reviews can, in the opinion of the District, be effectively and efficiently accomplished concurrently, the District may elect to do so.

Section 503 Municipal Approval

Plans for wastewater treatment works, which are to be constructed in municipalities, must be approved by the municipality's engineer before approval by the District.

Section 504 Plan Scales

Construction plans shall be drawn on 24" x 36" sheets to a minimum scale of one (1) inch equals fifty (50) feet. Area plans shall be drawn to a scale of one (1) inch equals two hundred (200) feet. Reduced prints will not be accepted.

Section 505 Plan Elevation Reference

All elevations proposed and shown shall be referenced to sea level datum and each set of plans shall show the description and elevation of the public bench mark (or marks) used in the development survey.

Section 506 Numbering System

All wastewater treatment works shall be numbered in accordance with the system of the District.

Section 507 Signature and Seal

All plans shall bear the signature and seal of the registered professional engineer who has prepared them and shall provide space for the approval of the Director.

Section 508 OEPA Approval

Plans requiring the approval of the State of Ohio Environmental Protection Agency will be transmitted by the Director following his approval.

(Section 509 DELETED)

Section 510 Expiration of Plan Approvals

Concept approval of proposed Wastewater Treatment Works shall become void if plans for detailed review have not been submitted within twelve (12) months and if detailed plans have not been approved within Eighteen (18) months from the date of the concept approval letter.

Detailed approval of proposed Wastewater Treatment Works shall become void if construction has not commenced within twelve (12) months (and completed within thirty-six (36) months) from the date of the approval of construction letter. Concept and detailed approval may be extended by the Director for a period not to exceed 12 months.

Section 511 Easement Requirements

In cases where the public sewer is located outside the public Right-of-Way, the developer's engineer/surveyor will be responsible for providing the District with the appropriate easement plat. The easement plat provided shall be in approved format, shall bear the signature of a registered surveyor and shall provide space for approval by MSD and the County Administrator.

Section 512 Easements for Future Sewers

Developers shall provide permanent and temporary construction easements for future sewer access for the unsewered properties and/streets bordering proposed developments. The location of these easements will be determined during the detail review process.

Section 513 Policy Concerning Sewage Holding Tank Discharge

The policy of the Board pertaining to discharge of sewage holding tank wastes permits installation and operation of sewage holding tanks for buildings located in areas where public sewers do not exist or where sewers are planned to be installed in the near future, as follows:

- A. The Director of the Metropolitan Sewer District shall permit sewage holding tank wastes to be discharged only to a facility which has sufficient capacity to receive the said wastes.
- B. The Director of MSD shall NOT permit any discharge of sewage holding tank wastes which will create conditions of sewer overloading, surcharging, or overflowing, or which will result in inconvenience, unpleasant or potentially unhealthful conditions, property damage and/or violation of Federal and/or State regulations pertaining to water quality and the environment.

Section 514 Policy for the Purchase by Hamilton County of Excess Sewer Capacity Made Available by Private Sewer Development

Whenever sewers have been constructed by a corporation, individual, or public institution at its own cost for the purpose of providing sewerage for any allotment, development, subdivision, or similar enterprise, or for any institution, and the Board of County Commissioners deems it expedient to acquire said sewers or any part thereof for the purpose of providing sewerage for territory outside the allotment, subdivision, development, or other such enterprise for which such sewers were constructed, such additional territory being within the District service area, the Director of the Metropolitan Sewer District (or his designee) shall examine said sewers. If he finds such sewers properly designed and constructed he shall make an appraisal of the present value of said sewers or parts thereof to the District as a means of providing sewerage for such territory outside the allotment, subdivision, development, or similar enterprise for which it was originally constructed and shall certify the same to the Board of County Commissioners. The Board of County Commissioners may then elect to purchase the excess sewer capacity based upon the appraisal. The appraisal shall be considered on the basis of the following:

- A. If a corporation, individual, or public institution contemplates the purchase of excess sewer capacity by Hamilton County, a memorandum of understanding between the corporation, individual, or public institution and the Metropolitan Sewer District must be finalized and the District's Capital Improvement Plan must be amended to include the project. This memorandum of understanding must include the timetable for construction, basis for determining the purchase price, easement rights, and conditions of payment. This should then be the basis upon which the District's Capital Improvement Plan is amended, with Board of County Commissioner approval, to include the project in the Plan.

- B. The minimum size of gravity sanitary sewers shall be eight inches (8") in diameter. The method of appraisal shall be based on the increment of increase in sizing required by the Metropolitan Sewer District. Costs for manholes shall not be included in the appraisal, or purchase price, as manholes are not affected by upsizing of the main sewer line, unless additional manholes are required by the Metropolitan Sewer District, in which case such costs shall be included.

- C. The appraisal, or determination of purchase price, of a sewer that has been constructed to serve territory outside the allotment, subdivision, development, or similar enterprise for which it was originally constructed, shall be in accordance with the tables below and shall be determined by using the actual documented cost of installing the upsized sewer less engineering, easement acquisition and financing costs:

Relative Sewer Costs¹

<u>Size Necessary for Development</u>	<u>Size Required by MSD</u>					
	8"	12"	15" & 16"	18"	20" & 21"	24"
8" as Base	0.0%	13.0%	21.9%	29.1%	37.1%	43.2%
12" as Base		0.0%	9.9%	18.0%	27.0%	34.6%
15" & 16" as Base			0.0%	9.1%	19.4%	27.5%
18" as Base				0.0%	11.5%	20.0%
20" & 21" as Base					0.0%	9.9%

As an example, the cost of upsizing a sewer or section of sewer from 8" to 18" would be equal to:

$$1 - (1.00/1.41) \times \text{Cost of 18" sewer}$$

where 1.41 is the relevant MSD Required Size Factor; or 29.1% of the cost of the 18" sewer.

Relative Jack & Boring Costs¹

<u>Size Necessary for Development</u>	<u>Size Required by MSD</u>					
	8"	12"	15" & 16"	18"	20" & 21"	24"
8" as Base	0.0%	24.8%	38.7%	50.0%	55.6%	62.0%
12" as Base		0.0%	18.7%	33.8%	41.2%	49.5%
15" & 16" as Base			0.0%	18.7%	27.5%	38.3%
18" as Base				0.0%	11.5%	23.7%
20" & 21" as Base					0.0%	14.5%

As an example, the cost of upsizing a sewer or section of sewer from 12" to 24" requiring the jack and boring procedure would be equal to:

$$1 - (1.00/1.98) \times \text{Cost of 24" sewer}$$

where 1.98 is the relevant MSD Required Size Factor; or 49.5% of the cost of the 24" sewer.

¹The tables are not intended to include extraordinary circumstances, such as an alignment change or extreme soil conditions. Refer to Sections D and H for such circumstances. See Appendix for methodology used to arrive at relative costs.

- D. In extenuating circumstances, such as (but not limited to) the discovery of an extraordinary benefit to the Metropolitan Sewer District, the Director of the Metropolitan Sewer District (or his designee) shall have the authority to increase the appraisal of the excess sewer capacity by up to,

but not to exceed, 10% of the total project cost as it appears in the memorandum of understanding and the Capital Improvement Plan, subject to the limitations described in Sections E., F. and G.

- E. To avoid public subsidy of private development, Hamilton County's share of the costs in no case shall exceed the proportion of capacity serving territory outside the allotment, subdivision, development, or similar enterprise for which it was originally constructed. For example, if 60% of the capacity will serve a development, then Hamilton County's share is limited to a maximum of 40% of costs.
- F. Change orders may be approved by the Director of the Metropolitan Sewer District (or his designee) up to a cumulative amount of 10% of the project cost as detailed in the memorandum of understanding and Capital Improvement Plan. Change orders greater than this total must be formalized as an amendment to the Capital Improvement Plan.
- G. Payment may only be made after the sewer or segment of sewer has been installed, contractor's invoices and other such proof of installation and cost have been submitted to the Director of the Metropolitan Sewer District (or his designee) to substantiate the appraisal, or purchase price, and the sewer or segment of sewer has been examined by the Director of the Metropolitan Sewer District (or his designee) and is accepted as properly designed and constructed, in accordance with the memorandum of understanding. Payment may be made only upon the developer's submission of the proper City of Cincinnati Claim Voucher invoice.
- H. In the event that a pump station, waste water treatment plant, force main, trenchless technology application, or private building sewer is required by the Metropolitan Sewer District to be upsized or constructed to provide capacity for territory outside the allotment, subdivision, development or other such enterprise for which it is constructed, the purchase price of the excess capacity shall be determined on a case by case basis due to the large variance in scope and costs between such projects, subject to the limitations described in Sections F. and G. The method for determining the purchase price shall consist of a comparison of the developer's costs of construction required to serve the allotment, subdivision, development or other such enterprise for which it was constructed versus the developer's costs of construction to serve territory outside the allotment, subdivision, development or other such enterprise.
- I. This policy is effective as of the date adopted by the Hamilton County Board of County Commissioners, July 15, 1998.

ARTICLE VI

DESIGN OF SANITARY SEWERS

Section 601 Determination of the Amount of Sewage for Sanitary Sewers

A. MSD Design Standards for estimating sanitary sewage flow from new developments

1. Residential Sanitary Sewage

The average flow of sanitary sewage shall be computed on the basis of 100 gallons per capita. The peak flow for various situations shall be in accordance with the following table:

<u>POPULATION</u>	<u>PEAK FLOW</u>
Under 750	4 times the average
Under 1,000	3.9 times the average
Under 1,750	3.8 times the average
Under 2,500	3.6 times the average
Under 5,000	3.3 times the average
Over 5,000	Consult the Director

2. Industrial and/or Commercial Sewage

The amount of sewage shall be fixed after consultation with the Director.

3. Infiltration/Inflow

An allowance of 1000 gallons per acre per day for the gross tributary area of the drainage basin shall be added to the above peak sanitary flows.

B. Determination of the Amount of Sanitary Sewage for Existing Sanitary Sewer Upgrades

1. The design capacity of sanitary sewers and pump stations shall be based on the result of current flow monitoring and modeling in accordance with MSD Guidelines for Sanitary Sewage Flow Estimation (listed below). If these results produce a design flow rate less than that determined under Section 601 (A.), then the amount determined using the method in Section 601 (A.) shall be used.

MSD Guidelines for Sanitary Sewage Flow Estimation:

- a. The design flow will be based on the model-projected peak sewer flow rate from a design storm with an applicable recurrence interval. The design flow will be comprised of three components:
 - i. Base wastewater flow (BWF);
 - ii. Groundwater infiltration (GWI);
 - iii. Rainfall-derived inflow/infiltration (RDII).

- b. The design flow components will be determined using the following criteria:
 - i. BWF will be established using either
 - (1) MSD guidelines for peak diurnal flow (per Section 601A. and B.), or
 - (2) Peak diurnal flow observed during flow monitoring, whichever is greater.

 - ii. GWI will be set at the maximum rate observed during a one-year flow monitoring period, or that projected to be the typical annual peak GWI rate (i.e. peak rate expected once per year) if flow monitoring results are considered to be not representative of typical conditions.

 - iii. RDII will be established using the following conditions:
 - (1) The Soil Conservation Service (SCS) Type II rainfall distribution;
 - (2) Antecedent soil moisture conditions that correspond to the maximum observed wet-weather flow during a one-year flow monitoring period shall be assumed in estimating the design RDII flow rate. If flow monitoring results are not considered to be representative of typical conditions for this purpose, then the flow monitoring data shall be used to project to the maximum antecedent soil moisture conditions expected to occur once per year, which will be used for establishing the design RDII flow rate.

2. Flow from any undeveloped portions of the service area of the upgrade sewer/pumping facility will be accounted for using the full build out conditions for those areas and the MSD Design Standards for estimating sanitary sewage flow from new developments (per Section 601 (A.)).

C. Special Conditions

Where special conditions are identified, determination of the amount of sewage shall be fixed after consultation with the Director.

Section 602 Determination of Conduit Size

The minimum conduit diameter for sewer purposes (except building sewers) shall be eight (8) inches. For sewers up to and including twenty-four (24) inches in diameter, design for the above volumes of sewage with the sewer flowing half full. For sewers twenty-seven (27) inches in diameter, design for the above volumes of sewage with the sewer flowing at 0.6 depth and for sewers thirty (30) inches in diameter and larger, design for the above volumes of sewage with the sewer flowing at 0.7 depth.

Use Manning's Formula with an "n" factor of 0.013 in design.

Section 603 Determination of Minimum Allowable Conduit Slope (Manning's Formula)

The Minimum Allowable Slope shall be that which results in a velocity of two (2) feet per second when the conduit flows at 1/4 of full depth.

SIZE	SLOPE (PERCENT)
8" Conduit	0.70
12" Conduit	0.40
15" Conduit	0.30
18" Conduit	0.24
21" Conduit	0.19
24" Conduit	0.16
27" Conduit	0.14
30" Conduit	0.12

Section 604 Placement of Manholes

Manholes shall be placed at intersections of two or more sewers; at changes of size of pipe, alignment, or grade; at the head end of the sewer; at curves on sewers 30" in diameter and larger (preferably on the upstream side of the curve); and at intermediate intervals as follows:

8" to 18"	400 ft. maximum
21" to 27"	500 ft. maximum
30" to 42"	600 ft. maximum

Manholes on pipes 24" and larger shall have flat slab tops in accordance with Standard Drawing Accession Number 49049.

Section 605 Location of the Sanitary Sewer

The sanitary sewer shall normally be within the confines of the street right-of-way or the utility easement adjacent to the street right-of-way or a combination of both where there is a conflict with other utilities:

A. Within the street right-of-way:

The location of the sanitary sewer shall be within the confines of the street pavement with manholes located five (5) feet off the centerline of the street. This will allow the other utilities to be located in their traditional location as follows:

1. Storm sewers should be within the confines of the street pavement with manholes located five (5) feet off the centerline of the proposed street.
2. Gas mains should be between the curb line and right-of-way line on the south or west side of the proposed street.
3. Water mains should be between the curb line and the right-of-way line on the north or east side of the proposed street.
4. Electric and Telephone Conduits will be within easements adjacent to the street right-of-way.

B. Within the utility easement adjacent to the street right-of-way as per the Hamilton County Engineer's Subdivision Standard Drawing #2A:

The location of the sanitary sewer shall be within the confines of the utility easement (minimum ten feet in width), the centerline of sanitary sewer shall be a minimum of ten (10) feet from the centerline of the storm sewer and maximum of 13.5 feet from the curb-line of the pavement. No other utilities except storm sewer shall be installed in this side of the street right-of-way and utility easement where sanitary sewers are installed.

If the above locations are not to be used, the special approval of location shall be obtained from the Director.

Section 606 Drop Connections into Manhole

When branch sewer connections are made to a manhole, the branch line must be connected in such a manner that its crown elevation at the centerline of the manhole matches that of the outlet pipe. The manhole bench shall be channeled in such a manner as to direct the incoming flow to the outlet pipe.

Drop connections into manholes in accordance with Standard Drawing Acc. No. 49003 shall only be used where approved by the District. For new sewer systems, drop connections shall be avoided when the difference in elevation between the outgoing and incoming pipes is less than four (4) feet by increasing the slope of the incoming sewer such that the crown elevation equals the crown elevation of the outgoing pipe.

For sewer replacements, existing sidelines may continue to enter the replacement sewer at their present elevation. However, if the invert of the main sewer is two (2) feet or more below the invert of the incoming branch sewer, the branch sewer connection shall be made with a drop connection.

For special conditions, the Director will review written requests for approval of a variance to this section on a case-by-case basis. Examples of such special conditions include:

- A. Unavoidable utility conflicts;
- B. Severe ground conditions;
- C. Inside drop connections for existing manholes;
- D. Unforeseen construction conditions.

Section 607 Joints for Sanitary Sewers

All sanitary sewers, including sanitary building sewers and manholes, shall be built with resilient and flexible compression joints, or an approved equal, as determined by the Director, in accordance with the District's Specifications and Standards.

Section 608 Suitable Ground for Sewer Construction

Sewers and appurtenances shall be constructed in original ground, wherever possible. However, when they must be constructed in fill, said fill shall be controlled, compacted and inspected by an approved testing laboratory or an inspector from the appropriate public authority. Minimum compaction requirements, subject to rules or specifications of the public authority, shall be those spelled out in the latest edition of the "STATE OF OHIO, DEPARTMENT OF TRANSPORTATION, CONSTRUCTION AND MATERIALS SPECIFICATIONS," for Embankment Soil Compaction Requirements.

Section 609 Steep Sewer Sections

- A. Conduit Sizes 8" through 24"

For sewer slopes twenty percent (20%) or greater, pipe shall be PVC-SDR35 or material approved by MSD and be anchored with concrete keyblocks as shown on Standard Drawing Accession No. 49039 spaced as follows at joints only. For slopes between 20 percent and 35 percent, keyblocks shall be installed at intervals not more than 36 feet center to center. For slopes 35 percent to 50 percent, keyblocks shall be installed at intervals not more than 24 feet center to center. For slopes over 50 percent, keyblocks shall be installed at every joint of the installed pipe. Such steep sewer sections shall be terminated at the bottom of the steep slope with a special manhole designed and constructed to dissipate the thrust and downward force of the sewer system at the manhole.

- B. Conduit Sizes 27" and Larger

For sewer slopes fifteen percent (15%) or greater, pipe shall be ductile cast iron or material approved by MSD. For sewer slopes between fifteen percent (15%) and twenty-five percent

(25%), keyblocks shall be provided at every joint. Keyblocks shall be installed as shown on Standard Drawing Accession No. 49039. Such steep sewer sections shall be terminated at the bottom of the steep slope with a special manhole designed and constructed to dissipate the thrust and downward force of the sewer system at the manhole.

Section 610 Concrete Cradles

When it is considered advisable in the judgment of the Director, the sewer pipe shall be laid in a concrete cradle, Type "A" or Type "B," as shown on Standard Drawing Accession No. 49044.

Section 611 Sewer Pipe in Creek Beds and Shallow Installations

Sewer pipe in creek beds and in shallow installations shall be encased in concrete when the cover is less than four feet (4') or when it is considered advisable in the judgment of the Director. Type "B" encasement as shown on Standard Drawing Accession No. 49044 shall be used. When the cover on such pipe is two feet (2') or less, the pipe, from manhole to manhole, shall be Ductile Cast Iron, or an approved equal as determined by the Director, encased as noted above.

Special mitigative measures shall apply for all sewer crossings and sewer construction in creek riparian areas:

- A. Sewers crossing streams shall be designed to cross the stream as nearly perpendicular to the stream as possible.
- B. Sewer systems shall be designed to minimize the number of stream crossings, and to be located as far from streams and riparian areas as possible.
- C. Sewer construction easement widths should be minimized.
- D. Unnecessary damage to trees for sewer construction shall be avoided.
- E. Controls to minimize both erosion and sedimentation shall be implemented.

Section 612 Sewer Construction within Special Flood Hazard Areas

No public or private sewer, or system of sewers, shall be constructed or located within any Special Flood Hazard Area unless the Director certifies that the sewer or system of sewers is proposed to be located and constructed in such a manner as to minimize or eliminate flood damage to them and:

- A. Minimize or eliminate the flow or infiltration of flood waters into or out of such systems during and after the base flood discharge, OR
- B. Have all parts elevated at least one (1) foot above the base flood level.

Section 613 Low Pressure Sewer Systems

When the construction of a gravity sewer system is not reasonably possible as determined by the Director, an alternative low-pressure sewer system will be considered for approval. Where approved, the design and construction shall be in accordance with the District's latest specifications, standards, policies and procedures.

Section 614 Backwater Preventer

The District requires that a sewage backwater valve be installed in accordance with the requirements of any local jurisdiction's plumbing code for plumbing fixtures where the elevation of the overflow rim of the lowest plumbing fixture is below the elevation of the rim of the next upstream manhole in the sewer system that the building is connected to.

ARTICLE VII

WASTEWATER LIFT STATIONS

Section 701 Approval of Wastewater Lift Stations

Approval of wastewater lift stations will be limited to providing service only to those areas where a gravity sanitary sewer system is not feasible as determined by the Director. The Director will consider the following factors in determining feasibility:

- A. 50-year economic analysis;
- B. Interest rate;
- C. Offsetting environmental concerns;
- D. Availability of necessary easements;
- E. Other items or factors applicable to the specific situation.

Prior to approval, a 50-year economic analysis must be submitted by the developer to the District with the request for concept approval.

The District will not approve a wastewater lift station for less than 20 single-family units, or equivalent.

Flow shall be calculated using the MSD Design Standards for estimating sanitary sewage flow from new developments (per Section 601 (A.)).

Prefabricated wastewater lift stations shall be a product of a manufacturer who has demonstrated its abilities in the field. Such stations must comply in all respects with the requirements of the State of Ohio Environmental Protection Agency in effect at the time detailed plans are approved. Additionally, such stations shall be subject to such requirements as the District may indicate based upon safety, layout, access, and auxiliary equipment required for proper operation and maintenance, or any other item peculiar to that station, which may be required in the judgment of the Director.

Section 702 Policy on Privately Constructed Wastewater Lift Stations in Areas Served by the Metropolitan Sewer District of Greater Cincinnati

The Board shall periodically approve the technical requirements for wastewater lift stations within the Metropolitan Sewer District. The Director shall maintain on file and make available to the public upon request the current technical requirements for wastewater lift stations within MSD.

The provisions of this rule are not intended to limit the appropriate use of materials, appliances, equipment or methods of design or construction not specifically prescribed by the Board-approved technical requirements provided that the Board or the Director determines that the proposed alternative materials, appliances, equipment or methods of design or construction are at least equivalent to that prescribed in the approved technical requirements.

The Director is authorized to make such determinations only where sufficient evidence or proof is submitted to substantiate any claims that may be made regarding the proposed alternate. Such evidence or proof of equivalency shall be based on detailed drawings and specifications, product installation and contact list, operation and maintenance manuals, and other items which may be required in the judgement of the Director.

MSD will review private developers' plans for proposed wastewater lift stations at two design stages: concept and detail. The MSD technical requirements in place at the time of concept approval shall be the final technical requirements for the duration of the project, subject to the time limits on concept and detail approvals specified in the MSD Rules and Regulations. Any revisions which may be made to the MSD technical requirements for the duration of the project shall not be applied retrospectively.

If new requirements for lift station approval are implemented after MSD has issued concept approval but before the construction is completed, the Director will make a recommendation to the Board on whether to apply the new requirements to the lift station project at MSD's expense.

Section 703 Extended Maintenance Bond Requirements for New Wastewater Lift Stations

Whenever possible, wastewater lift stations shall be designed so that the purge time of the wet well and force main of the wastewater lift station will be less than 30 minutes based on the OEPA peaking factor.

A two-year, \$5,000 maintenance bond, which includes both odor control and maintenance of the lift station, shall be provided by the developer for a wastewater lift station.

ARTICLE VIII

WASTEWATER TREATMENT PLANTS

Section 801 Approval

Approval of wastewater treatment plants will be limited to providing service only to those areas where a gravity sanitary sewer system is not feasible as determined by the Director. The Director will consider the following factors in determining feasibility:

- A. 50-year economic analysis;
- B. Interest rate;
- C. Offsetting environmental concerns;
- D. Availability of necessary easements;
- E. Other items or factors applicable to the specific situation.

Wastewater treatment plants shall be designed to meet effluent standards and all other applicable regulations as established by the Ohio Environmental Protection Agency for the particular receiving stream.

Each plant shall be subject to such requirements as the District may indicate based upon locale, degree of treatment, safety, layout, auxiliary equipment required for proper operation and maintenance, access, or any other item peculiar to that plant which may be required in the judgment of the Director.

The District will not approve a wastewater treatment plant for less than 20 single-family units, or equivalent.

ARTICLE IX

CONSTRUCTION MATERIALS

Section 901 Material Requirements

All materials shall comply with the requirements of the latest editions of the "State of Ohio, Department of Transportation, Construction and Material Specifications," and/or the "City of Cincinnati, Supplement to the State of Ohio, Department of Transportation, Construction and Material Specifications" and the "Rules and Regulations of the Office of the County Engineer". The said Specifications and Supplement are, by this reference incorporated herein, made a part of these Rules and Regulations. In particular, conduit to be used for construction of sanitary or combined sewers and building sewers shall be Type B, C, G, or I as specified in the latest edition of the City of Cincinnati Supplement to the State of Ohio Department of Transportation, Construction and Material Specifications and as specified on the plans.

Certification of all material shall be presented to the District. The District will determine what additional inspection and testing is required at the option of the Director.

Section 902 Inspection and Testing

All material shall be inspected and tested as required by the District in accordance with Section 901 of these Rules and Regulations at the developer's expense.

ARTICLE X

CONSTRUCTION PROCEDURE

Section 1001 General Construction Specifications

Sewers shall be constructed in accordance with the requirements of the latest editions of the "State of Ohio, Department of Transportation, Construction and Materials Specifications" and the "City of Cincinnati, Supplement to the State of Ohio, Department of Transportation, Construction and Materials Specifications."

Section 1002 Typical Trench for Sewer Pipe

The trenches in which sewer pipe is laid shall conform to the "control dimensions" for Typical Trenches for Conduits, Standard Drawing Accession No. 49032, and the sewer pipe shall be bedded as indicated on that drawing. The trenches shall be backfilled in accordance with the requirements of 603 of the State of Ohio, Department of Transportation, Construction, and Material Specifications.

Excavation around manholes in streets that are paved or are to be paved shall be backfilled in accordance with the requirements of the appropriate public authority. Restoration of existing pavement is to be made in accordance with the requirements of the appropriate public authority.

Section 1003 Leakage Tests

All conduits shall be subjected to a leakage check either by an infiltration or exfiltration test with water or by an air test.

- A. The infiltration test allowance, on conduits twenty-seven (27) inches and larger, shall be 0.079 gallon per inch of the internal diameter per 100 feet of conduit per hour. The exfiltration test allowance shall be the same as for infiltration except that an additional allowance of ten (10) percent over the basic allowance shall be allowed for each two (2) feet of head over a basic two foot minimum head.

This test, including furnishing of all appurtenances therefor, shall be performed at the Contractor's expense.

The above infiltration test requirements will continue to be allowed for conduits twenty-seven (27) inches and larger during the first six months these Rules and Regulations are in force, starting with the effective date. After six months from the effective date, infiltration tests will only be allowed for conduits larger than thirty-six (36) inches. All other conduits must be tested by the air test method as required under Item B of this Section.

- B. Air tests on the following sizes of sewers will continue to be performed by the District for the six months after the effective date of these Rules and Regulations. After six months from the effective

date, the District will no longer perform air tests, and all air test requirements under Item B of this Section will become obsolete.

The air test, for conduits twenty-four (24) inches and under, consists of inserting plugs in the line, thus isolating test sections between manholes. Air is then admitted to the isolated test section until it is under pressure of 3.5 pounds per square inch. All valves leading to or from the test section are then closed and the air supply line disconnected. The time elapsing before the pressure in the test section drops to 2.5 pounds per square inch is noted and recorded.

The test section shall be considered as having passed the air test if the elapsed time as noted above is equal to or greater than the following times:

- For 8" Conduit 4 Minutes
- For 12" Conduit 5-1/2 Minutes
- For 15" Conduit 7-1/2 Minutes
- For 18" Conduit 8-1/2 Minutes
- For 21" Conduit 10 Minutes
- For 24" Conduit 11-1/2 Minutes

- C. All air tests starting in six months from the effective date of these Rules and Regulations shall be performed in accordance with the latest applicable ASTM or UNI-BELL PVC Pipe Association requirements for each unique pipe material for leakage test requirements and shall be performed at the contractor's expense. An air pressure adjustment shall be made if the groundwater is above the top of the pipe as outlined in the applicable ASTM or UNI-BELL PVC Pipe air test method.

Section 1003-A Deflection Test

Deflection tests shall be performed on all flexible conduits as described in the latest edition of the City of Cincinnati Supplement to the State of Ohio Construction and Materials Specifications.

Section 1003-B Vacuum Testing

The Contractor shall test all manholes leakage by means of vacuum testing. The vacuum testing cannot be done until after the manholes are set to final grade and the manhole castings are bolted down. All lift holes shall be plugged. Any other openings, such as for pressure relief valves, shall be temporarily plugged to allow the vacuum test. All pipes entering the manhole shall be plugged and care shall be taken to securely brace the plugs from being drawn into the manhole. The vacuum equipment test head shall be placed in the opening of the top slab or cone section and the seal inflated in accordance with the manufacturer's recommendations. Vacuum testing shall be in accordance with ASTM C1244. A vacuum of 10 inches mercury (10" Hg) shall be drawn and the vacuum pump shut off. With the valves closed, the time shall be measured for the vacuum to drop to nine inches mercury (9" Hg). The manhole shall pass if the time meets or exceeds the allowable times as calculated from ASTM C1244, or as approved by the Engineer.

Section 1004 Temporary Manhole Covers

In the construction of subdivisions or housing developments, the Contractor shall place a temporary manhole cover, Standard Drawing Accession No. 49045, on all sanitary manholes. This temporary cover is to remain in place from the time the manhole is constructed until a permanent casting, Standard Drawing Accession No. 49005, No. 49050, or No. 49051 is placed on the sanitary manhole.

Section 1005 Plug Subdivision Sewer at Point of Connection

Sanitary sewers in subdivisions under construction shall be sealed where they connect to the existing sewers. This work shall be done only in the presence of a District Inspector.

After construction has been completed and the sewers in the subdivision have been inspected, tested and found to be substantially completed and operational by the District, the seal(s) shall be removed by the developer. Again, this work may be performed only in the presence of a District Inspector.

Section 1006 Sewer Tap Permits for Substantially Complete and Operational Sewers

No sewer tap permits shall be issued until (1) the sewer or sewers to be tapped and the wastewater treatment plant, and/or lift station, have been inspected, tested and found to be substantially completed and operational by the District; (2) the engineer for the Developer has furnished to the District a mylar copy of the Development Plan showing all information as required in Section 1007 of these Rules and Regulations; and (3) all applicable requirements of the agreement between the Developer and the Board have been met.

Section 1007 "As Built" Plans

- A. After completion of construction of a wastewater treatment works and before acceptance of the wastewater treatment works by the Board, the Developer's engineer shall furnish to the District complete "as built" plans of these wastewater treatment works; drawn on 24" x 36" Mylar and containing the following information:
 - 1. Elevations are to be referenced to U.S. Coast and Geodetic Survey Triangulation Stations and Bench Marks.

2. A tie-in to the invert of the existing sewer system (except in cases where a temporary wastewater treatment plant or lift station serve to isolate the new sewer system from the existing system). The existing sewer shall be identified by its number.
3. Rim elevation and invert elevation(s) taken at the center of the manhole to the one-hundredth of a foot.
4. Depth of manhole shown shall be the difference between the rim elevation and the mid-point of the trough between influent and effluent inverts.
5. In the case of a drop manhole or a manhole with a pipe entering on a steep grade, elevations should be taken at the center of the manhole, and at a point on the invert that will be most representative of the true grade of the existing pipe. Sketch showing location of elevations and distances should be included with the plans.
6. Distances between manholes to the one-hundredth of a foot taken at the center of the casting.
7. Angles to the nearest minute.
8. Angular ties between existing and new sewers shall be shown on the plans.
9. New distances and angle of a new installed manhole on an existing sewer.
10. Grade of the conduit.
11. Size of the conduit.
12. Pipe material.
13. Lateral locations shall be shown by dimensioning from the downstream manhole at the main sewer and an offset distance to the end of the lateral at the right-of-way or property line.
14. All major changes in location.

This information shall be shown in red ink on the approved plan and profile tracing.

- B. In lieu of the Developer providing the "as built" plans, the Developer may opt to have Metropolitan Sewer District survey personnel provide sanitary sewer "as built" for a fee, as specified in Section 2501. The following procedure will apply:
 1. Once a sewer project passes a final inspection, an "as built" survey will be scheduled and completed within ten working days. All revisions to the improvement plans are to be submitted and approved prior to scheduling.
 2. If the survey information proves satisfactory, the "as built" can be processed for approval.

3. MSD engineering personnel will add the "as built" data to the project mylars.
 4. Immediate notification will be sent in instances where the sewer does not meet the District's minimum grade requirements, as defined in the Rules and Regulations. Additional tap permits will be withheld until this issue is resolved. Disputes that may arise will be resolved through a joint meeting at the job site between MSD engineering personnel and the developer's professional surveyor.
- C. An option must be selected at the time detail plans for a sewer project are submitted. Payment for MSD-provided "as built" is required prior to the issuance of tap permits beyond the allowable 10%.

Section 1008 Prefabricated Wastewater Lift Stations and Treatment Plants

Prefabricated Wastewater Lift Stations and/or Treatment Plants shall be placed on and anchored to reinforced concrete slabs.

Metal tanks shall be thoroughly protected against corrosion by special corrosion resistant paints and cathodic protection.

Section 1009 Contractor License

All work done on sanitary and/or combined sewers within the jurisdiction of the District must be done by a contractor who is an approved sewer tapper properly licensed and bonded by the District.

Section 1010 Sewer Grade Variance Policy

- A. **GENERAL.** The Metropolitan Sewer District will review and approve all plans for the extension of the public, and private sewer system, prior to issuing authorization to construct. Public and private sewers shall be constructed in strict accordance with the approved plans, to the extent possible. All variations from approved alignments or grades must be identified and submitted to the Director for review, consideration and approval or disapproval prior to acceptance of the sewer extension as part of the public sewer system.
- B. **MINIMUM SEWER GRADES.** The Metropolitan Sewer District has established in its Rules & Regulations minimum sewer grades for each sewer size and for limited service sewer sections based on the required grades to keep solids flowing (minimum cleaning velocities). Sewers installed at less than these minimum grades increase the risk of sewer stoppages and necessitate more frequent cleaning schedules.
- C. **REQUIRED SEWER CAPACITY.** The Metropolitan Sewer District requires that the sewers be sized and placed on a grade that will provide adequate carrying capacity to serve the total upstream watershed, at full development and at peak flow conditions.

- D. **VARIATIONS FROM APPROVED GRADES.** Should a sewer be installed at less than the approved minimum grade or critical grade, as defined above, the Metropolitan Sewer District may require the sewer to be relayed at the required grade or increased in size.

ARTICLE XI

ASSURANCE OF COMPLETION

Section 1101 Completion

Sewer tap permits shall not be issued until the Director has determined that the sewer or sewers to be tapped, and any lift station and/or treatment plant to be constructed are substantially completed, operational, and meet the requirements of Section 1006.

When the above mentioned wastewater treatment works in a subdivision have been determined to be substantially completed and operational, surety bonds, or other security guaranteeing completion will be accepted. The amount of the completion bond shall be determined by the Director.

Section 1102 Substantially Completed and Operational

"Substantially completed and operational" shall mean that all elements of a system are operational and will perform at the levels upon which design and approvals were granted; that the system will in no way become a public nuisance; that the system will in no way adversely affect the public health, welfare or safety; that the operation of the system may be conducted in a safe and efficient manner; and that safe, all-weather access be assured in order that any equipment necessary for the normal activities associated with operation of the system may have free continual ingress and egress.

Section 1103 Tap Permits Issued Under Substantially Completed Designation

The number of sewer tap permits issued will not exceed ten percent (10%) of the total for which the system was designed while operating under the substantially completed concept as defined in Section 1102.

Section 1104 Time Requirements

Full completion of any lift station and/or treatment plant, operated pursuant to Section 1101, shall be made within 120 calendar days from the date that the Director determines that the system is substantially completed as outlined in Section 1102. No additional tap permits will be issued unless the above mentioned treatment works have been fully completed.

Section 1105 Full Completion

"Full completion" shall mean that the system is complete and meets all criteria of the District.

Section 1106 Workmanship and Materials

All workmanship and all materials furnished shall comply fully with the requirements of the approved Plans and Specifications. If at any time within one year after the date of the final inspection, any defect should appear, which in the reasonable opinion of the Director is due to inferior materials or workmanship, the Developer guarantees that he will do immediately, without cost to the District, whatever is necessary to remedy the defects. The District will notify the Developer in writing of the defects and the repairs to be made, and the Developer agrees to begin the repairs within ten days from the receipt of notice. If the Developer fails to begin repairs within ten days, the District may forthwith cause the defects to be remedied and charge the cost and expense thereof to the Developer or his Surety.

The Developer's Surety shall not be relieved until the above guarantee is fulfilled and written release furnished the Surety by the District.

ARTICLE XII

BUILDING SEWERS: CONNECTIONS AND PERMITS

Section 1201 Authorization to Connect

No unauthorized person shall uncover, make any connection with an opening into, use, alter or disturb a public or private sanitary or combined sewer or appurtenance thereof. No person, authorized to do the above type of work, shall do so without first obtaining a permit therefor from the Director.

Section 1201a Unauthorized Discharge/Connection

In accordance with Section 401, no person shall discharge or cause to be discharged, either directly or indirectly, to a sanitary sewer system building connection or appurtenance thereof, surface water, foundation drains, groundwater, roof runoff, subsoil drains, subsurface drainage, cooling water, swimming pool water or unpolluted industrial process water.

The owner whose property is sewered by the building connection shall be responsible for any such unauthorized connection and its immediate removal and shall be subject to penalties in accordance with Section 2207, Article XXII.

Section 1202 Building Sewer

A separate and independent building sewer shall be provided for every building that is to be occupied. The minimum size shall be six (6) inches.

Section 1202-A Building Sewer Extension

Where one building stands in the rear of another on an interior lot and no "building sewer-sanitary" connection to a sewer is available, or can be made through an adjoining alley, courtyard, side yard, or driveway, as determined by the Director, the "building sewer-sanitary" from the building on the front of the lot may be extended to the building on the rear of the lot and will be considered as one "building sewer-sanitary" with a 6" diameter minimum cleanout installed at the property line or right-of-way.

Section 1203 Building Sewer Connection to Manhole

A building sewer, six-inch (6"), connection to a public sanitary or combined sewer manhole is prohibited, except where special approval is granted by the Director.

Section 1204 Building Sewer Requirements

The building sewer, six-inch (6"), shall be constructed of materials meeting the standards of the District. It shall be laid at a minimum grade of one-fourth inch per lineal foot (2%) from the building to the public or private sewer; except that the Director may authorize the grade to be as little as one-eighth inch per lineal foot (1%) if he determines such to be desirable or necessary. The building sewers, larger than six-inch (6"), shall be installed in accordance with Section 603 of these Rules and Regulations. In no case shall a floor level being served by the building sewer be less than thirty-six inches (36") above the crown of the

receiving sewer at the point of connection of the building sewer thereto. It shall be the owner's responsibility to whom the permit is issued to take the necessary precautions in order to provide adequate protection from flooding for any new connection.

Section 1205 Building Sewer Connection

Building sewers shall be constructed as part of the improvement to the property line of the premises served. The connection of the building sewer to the main sewer shall be made in front of the premises served, unless otherwise approved by the Director.

Section 1206 Residential Subdivisions

In the development of residential subdivisions with sanitary sewers, all lots shall be served by connections to the sanitary sewer system either by gravity or by means of a pump or ejector. No individual disposal devices will be permitted.

In all buildings in which any sanitary building drain is too low to permit gravity flow to the sanitary sewer system, any sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Section 1207 Maintenance

For maintenance of building sewers, see Section 2008 of these regulations.

Section 1208 Sewer Tapping

Permits to connect building sewers, to open, or alter any public/ private sanitary or combined sewer or appurtenance will be issued only to a person engaged in the business of sewer construction or tapping and possessing a valid license and bond from the District.

Section 1208-A Verification of No Clean Water Connections

Prior to the issuance of a sewer permit allowing for a new connection, opening, or alteration, to a sanitary sewer or appurtenance, on-site verification is necessary to insure that no clean water will enter the sanitary sewer system should a connection or alteration be permitted.

The owner of a property shall be responsible for complying with the District's current policies and procedures relative to protecting the sanitary sewer from clean water sources.

Section 1209 Responsibility of Permit Holder

The person to whom a connection permit is issued will be held responsible for the proper installation of the building sewer in accordance with these Rules and Regulations subject to the condition that the person holds the District harmless from any loss or damage.

Section 1210 Additional Permits

The person to whom a connection permit is issued shall be responsible for obtaining any additional required permits to open cut any street, road or highway, from the appropriate public authority having jurisdiction over such street, road or highway, and shall comply with all conditions required by such additional permits.

Section 1211 Building Sewer Connection Permits (Tap Permit)

There shall be two types of permits for building sewer connection (tap permit): (1) for residential and commercial service, and (2) for service to establishments discharging industrial wastes. In either case, the owner or his agent shall make application on a special form to be obtained from the District. The application for permit shall be supplemented by a copy of the Building Permit, documentation stating the domestic water meter size, detailed site plan showing elevations at the sewer main and the lowest floor elevation of the building, applicable street opening permits, a schematic plan of the footing and foundation drainage system showing the point of discharge and any plans, specifications or other information considered pertinent in the judgment of the Director. A separate tap permit must be obtained for each building sewer connection. A tap-in-fee in accordance with Section 1215 for each tap permit requested shall be paid to the District at the time the application is filed. This fee is specified in Sections 1215 and 2501 of these Rules and Regulations.

Section 1212 Licenses and Bonds

Sewer tappers performing building sewer connections to the District's sewer system shall be licensed by the District. The annual license fee is specified in Section 2501. The license shall be in effect from January 1 to December 31 of each year. Failure to renew this license within a two-year period, after the expiration date, shall result in a new examination being required.

Each license application shall be accompanied by a sewer tapper's bond in the amount of ten thousand dollars (\$10,000.00).

All licensed and bonded sewer tappers are responsible for controlling erosion and sediment.

The District reserves the right to revoke or suspend the license of any holder whose work, or misconduct as a sewer tapper is not in the District's and/or public's best interest. The Director will investigate and review the instance(s), notify the license holder of the time and place for a hearing at which the licensee shall have the right to appear and produce evidence and witnesses for his/her own defense, and make a final decision as to the revocation or suspension of a license.

Section 1213 Inspection of Building Sewers

Inspection of building sewer connections will be provided by appointment, arranged through the Field Section, during normal working hours that are 7:30 a.m. to 4:00 p.m., Monday through Friday. Special Services will be provided when requested. Typical Special Services are (1) return trips due to lack of expected progress; (2) emergency conditions necessitating immediate response; and (3) abnormal working hours. The permit holder will be billed for Special Services of inspection time at a rate per hour, established and published from time to time by the Board.

Section 1214 Method of Connecting Building Sewers

Building sewers shall be connected to 33-inch or smaller diameter sanitary or combined sewers by one of the following methods:

1. By utilizing an existing T or Y branch.
2. By the use of an approved tapping saddle.
3. By removing a full pipe-length of the existing sewer and "rolling-in" a new length of pipe with a T or Y branch made an integral part thereof.
4. By the use of other methods as may be approved by the Director.

If a new length of pipe is "rolled-in," a concrete collar in accordance with Standard Acc. No. 49031 shall be constructed or an approved coupling installed at each end where the new pipe meets the existing pipe.

Building sewers shall be connected to 36-inch or larger diameter sanitary or combined sewers in a manner as approved by the Director.

"Break-in" connections shall not be permitted unless approved by the Director.

Section 1215 Tap-in-Fee

The tap-in-fee shall apply to all new direct or indirect connections to both public or private sanitary and combined sewer systems under the jurisdiction of the District.

- A. Every person (meaning natural persons, firms, associations, corporations and public bodies) whose premises will be served by a direct or indirect connection to a sanitary or combined sewer of the Metropolitan Sewer District of Greater Cincinnati shall be charged a Tap-in Fee in accordance with Table 1215-1 and subject to the applicable provisions in Section 1215 B of these Rules and Regulations. The Tap-in Fee is due and payable when a sewer tap permit is issued by the Metropolitan Sewer District or its designee. It will be the responsibility of the applicant to supply to MSD a record of the relevant water works application of water service in order to verify the size of the water meter at the time the permit application is submitted.

Table 1215-1.

		Tap-in Fee
Water Meter Size	up to 3/4"	\$2,500.00
	1"	\$4,530.00
	1-1/2"	\$10,360.00
	2"	\$18,650.00
	3"	\$42,290.00
	4"	\$75,520.00

		Tap-in Fee
Water Meter Size	6"	\$170,830.00
	8"	\$304,170.00
	10"	\$475,000.00
	12"	\$683,320.00

1. The tap-in-fee will be adjusted annually as follows, in accordance with Section 2501:
 - a. Based on the September Engineering News Record Construction Cost Index (ENR CCI) for Cincinnati, Ohio, the fees in Table 1215-1 shall be multiplied by the ratio of the current year September ENR CCI to the ENR CCI for September, 2000 (5907.06), rounded to the nearest \$10.
 - b. The Tap-in fees determined in a., above, shall become effective on January 1 of each year.

B. Conditions, exceptions, and additional information:

1. For single-family residences existing as of July 1, 1996, the Tap-in Fee shall be \$480. For purposes of this section, a single-family residence shall be considered to be "existing" if a final plumbing inspection was completed and approval granted by the appropriate local authority on or before July 1, 1996. It shall be the responsibility of the applicant to furnish a record of the final plumbing inspection in order to verify the date of final plumbing approval.
2. For residential condominium properties, existing and declared as of July 1, 1996, in accordance with Chapter 5311 of the Ohio Revised Code, the Tap-in Fee shall be calculated based upon number of units, and the Tap-in Fee shall be \$480 per unit.
3. In areas where a connection charge or local benefit charge greater than the applicable Tap-in Fee set forth in Table 1215-1 was established by a prior resolution of this Board or by another political subdivision which has since joined the Metropolitan Sewer District, only the applicable Tap-in Fee set forth in the prior resolution shall be collected.
4. In areas where a connection charge or local benefit charge less than the applicable Tap-in Fee set forth in Table 1215-1 was established by a prior resolution of this Board or by another political subdivision which has since joined the Metropolitan Sewer District, only the applicable Tap-in Fee set forth in Table 1215-1 shall be collected.
5. Properties located outside of Hamilton County and served by the sewer facilities of the Metropolitan Sewer District are subject to the Tap-in Fees in this Section. The agency issuing that tap permit shall collect the appropriate Fee and shall forward this Fee to the Metropolitan Sewer District.
6. When a premises is supplied either in whole or in part with water from wells or any other source other than a public water supply, MSD will contact the local water district to

determine the comparable water meter size which would be needed to serve the premises. In the event there is no local water district, the Director of the Metropolitan Sewer District will determine comparable water meter size.

7. Where a combination service line and water meter for both domestic and fire service is provided MSD will contact the local water district to determine the domestic water demand and appropriate water meter size for that demand in order to determine the Tap-in Fee. The Director of the Metropolitan Sewer District shall have the authority to determine the proper Tap-in Fee.
8. When a person can show to the satisfaction of the Director of the Metropolitan Sewer District that a portion of the water used on the premises will not enter the sewer system, The Director of the Metropolitan Sewer District shall have the authority to reduce the Tap-in Fee.
9. An owner of a single family residence with a water meter larger than 3/4-inch may pay a Tap-in Fee equal to the rate set for buildings with up to a 3/4" water meter, provided the owner furnishes an affidavit stating the reason for the increased size of the water meter and a statement confirming that no non-residential activities will occur at the premises which will allow additional water to enter the sewer system.

10. Applicants for sewer tap permits under the following circumstances will be charged Tap-in Fees as follows:

- a. No additional tap-in fee will be charged for an existing building with a permitted sewer tap which is demolished or destroyed, is replaced within six years with a new building on the same site, and for which the water meter size for the replacement building is the same as the water meter size for the demolished or destroyed building.
- b. For an existing building with a permitted sewer tap which is demolished or destroyed, is replaced within six years with a new building on the same site, and for which the water meter size for the replacement building is increased from the water meter size for the demolished or destroyed building, the Tap-in Fee will be calculated based on the current rates for Tap-in Fees, less the Tap-in fee previously paid. If no record of prior Tap-in fee payment exists, the Tap-in Fee amount previously paid will be assumed to be in accordance with Table 1215 -2 or Table 1215 -3, below, as applicable.
- c. For an existing building with a permitted sewer tap for which the water meter is replaced with a new, larger water meter, the Tap-in Fee will be calculated based on the current rates for Tap-in Fees, less the Tap-in fee previously paid. If no record of prior Tap-in fee payment exists, the Tap-in Fee amount previously paid will be assumed to be in accordance with Table 1215 -2 or Table 1215 -3, below, as applicable.

Table 1215-2. For single-family buildings constructed prior to July 2, 1996:

Water Meter Size	Tap-in Fee
up to 3/4"	\$480.00
1"	\$870.00
1-1/2"	\$1,990.00
2"	\$3,580.00
3"	\$8,120.00
4"	\$14,500.00
6"	\$32,800.00
8"	\$58,400.00

Table 1215-3. For buildings constructed on or after July 2, 1996:

Water Meter Size	Tap-in Fee
up to 3/4"	\$2,500.00
1"	\$4,530.00
1-1/2"	\$10,360.00
2"	\$18,650.00
3"	\$42,290.00
4"	\$75,520.00
6"	\$170,830.00
8"	\$304,170.00
10"	\$475,000.00
12"	\$683,320.00

Section 1216 Policy for Levying Sewer Assessments for Local Collector Sewers - Assessment Credit

- A. It is the policy of the Board to encourage public sewers and to finance sewer improvements which provide local sewer service by levying special assessments on the properties receiving benefit from the sewer improvement, as provided in Ohio Revised Code Chapter 6117. For single family residences existing as of September 20, 1995, MSD will pay, in the form of an assessment credit, the special assessment for a local sewer, up to \$5,000, provided that:
1. The local sewer eliminates the need for on-site sewage disposal systems and connects to the public sewer system of the Metropolitan Sewer District; or
 2. The local sewer is a replacement or repair of a privately owned local sewer which connects to the public sewer system of the Metropolitan Sewer District, and the private sewer meets MSD standards and is dedicated by its owners to public use in accordance with MSD Rules and Regulations.
- B. The assessment credit will be adjusted annually in accordance with Article 25, as follows:
1. Based on the September Engineering News Record Construction Cost Index (ENR CCI) for Cincinnati, Ohio, the \$5,000 credit shall be multiplied by the ratio of the current year September ENR CCI to the ENR CCI for September, 1995 (5445.31), rounded to the nearest \$100.
 2. The Assessment Credit determined in A. shall become effective on January 1 of each year.
 3. The Assessment Credit in effect at the time of adoption of the Resolution Confirming Revised Assessment shall be applied. For each single family residence, existing as of the September 20, 1995, served by a local collector sewer whose construction costs are assessed under this policy, a sewer tap-in-fee in the amount of \$480.00 will be charged by the Metropolitan Sewer District at the time of connection of the property to the public sewer.

ARTICLE XIII

INDIVIDUAL PRIVATE SEWAGE DISPOSAL

Section 1301*

Where a public sanitary or combined sewer is not available to a premise, the building sewer shall be connected to an individual private sewage disposal system complying with the requirements of the appropriate public authority.

Section 1302*

The owner shall, at his own expense, operate and maintain the individual private sewage disposal facility to the satisfaction of the appropriate public authority.

Section 1303*

No individual private residential sewage disposal facility shall be connected to any public or private sanitary, storm, or combined sewer under the District's jurisdiction.

Section 1304*

At such time as a public sanitary or combined sewer becomes available for use by property served by an individual private sewage disposal system, a direct connection shall be made to the public wastewater treatment system by and at the expense of the owner. Any septic tanks, cesspools, or similar individual private sewage disposal facility shall be abandoned to the satisfaction of the appropriate public authority. All necessary permits shall be obtained prior to any actual work.

* Enforcement of these regulations is the responsibility of the several Boards of Health and their appearance here is for informational purposes only.

ARTICLE XIV

DISPOSAL OF HOLDING TANK WASTES

Section 1401 General Rule

Holding tank wastes originating within the District Service Area may be hauled to and discharged into the District's wastewater treatment system only at those locations, by such methods, and at such times and days as are designated by the Director.

Section 1402 Geographic Restrictions

Holding tank wastes originating outside the boundaries of the District Service Area are prohibited from being discharged into the District's wastewater treatment system without prior written approval from the Director.

Section 1403 Permits

Permits for discharge of holding tank wastes shall be obtained on application forms furnished by the Director. A separate permit shall be obtained for each tank vehicle upon payment of a fee as specified in Section 2501. Each permit shall be displayed at all times on the vehicle for which purchased. Permits are transferable only when the tank vehicle for which the permit was purchased is to be replaced, and then only with the approval of the Director. The term of the permit shall extend from January 1 through December 31 of a calendar year. The permit fee shall not be prorated.

Section 1404 Fees

The costs of the disposal of holding tank wastes are to be paid by the discharger. The Board will set the specified rate to reflect costs of program elements, including but not limited to, administration, treatment at rates established by resolution of the Board, laboratory and enforcement. Any person discharging holding tank or grease trap wastes into the wastewater treatment system of the District shall pay the District at the rate specified in Section 2501 as a sewage disposal charge.

Section 1405 Discharge Restrictions

No person discharging holding tank wastes into the wastewater treatment system of the District, shall discharge or cause to be discharged, either directly or indirectly, industrial wastes without the prior approval of the Director. In any case, wastes are prohibited which cause the wastewater treatment plant to fail to meet effluent limitations set by State or Federal regulatory agencies. The District may inspect any vehicle disposing holding tank wastes at any time. The District will sample the contents of each disposal. Any costs incurred by such sampling and analysis shall be charged to the permittee unless otherwise determined by the Director.

Under no circumstances shall any person cause Resource Conservation and Recovery Act defined hazardous waste to be received from off-site by tanker truck, trailer/roll-off bins, drums, or other forms of portable holding tanks.

Section 1406 Liabilities

No person discharging holding tank wastes shall discharge so as to interfere with the operation of, or cause damage to, a wastewater treatment works, or engage in disorderly or unlawful conduct. Each discharger shall be responsible for the costs of any damages to property or personal injury caused by reason of the discharger's operations. Damages shall include fines or other penalties imposed on the District as a result of the discharger's operations.

Section 1407 Indemnity

The discharger covenants and agrees to indemnify and hold the County, City, and District and all their officers, agents, and employees harmless from any liability whatsoever for any injuries to persons or property arising out of the discharger's operations and defend any suit or legal proceeding brought against the County, City, or District or any of their officers, principals, agents or employees on account of loss or damage sustained by any person or property as a result of the discharger's operations, whether or not such injuries or damage be caused by the inherent nature of work performed by the discharger or by the negligence of the discharger or his employees.

Section 1408 Bonding

Each permit application shall be accompanied by a bond, payable to the City and County upon default, in an amount depending on the septic hauling capacity of the tank vehicle, or where multiple tank vehicles are operated by a single applicant, in an aggregate amount based upon the fleet capacity, of \$10,000 per 1000 gallons or any part thereof. The full face value of the fleet operator's bond shall apply to each incident.

Said bond is intended to insure the performance of the permittee in complying with each and every applicable section of these MSD Rules and Regulations.

Section 1409 Statutory Obligations

Each and every permit issued to a permittee is subject to revocation by the Director upon a finding that the permittee has been convicted of a violation of any Federal, State, or local law or regulation whose subject matter is water quality and/or water pollution control.

Section 1410 Failure to Comply

Failure to comply with any of the above provisions shall be grounds for permit suspension or revocation, fines, and/or forfeiture of bond, such as is determined to be appropriate by the Director in accordance with these Rules and Regulations and other applicable law.

ARTICLE XV

INDUSTRIAL WASTES

Section 1501 Wastewater Discharge Permit

All Users that are not Residential Users as defined in Article I proposing to directly or indirectly connect to or discharge into the wastewater treatment system shall apply for, and obtain where applicable a Wastewater Discharge Permit before connecting to or discharging into the same. All existing significant industrial users (as defined in Article I) directly or indirectly connected to or discharging into the wastewater system without a current Wastewater Discharge Permit, shall apply for a Wastewater Discharge Permit, within ninety (90) days after the effective date of these Rules and Regulations.

Upon reasonable request by the District, any non-permitted User may be required to complete and submit wastewater discharge information on a short form prescribed by the Director.

Section 1502 Application

Users seeking a Wastewater Discharge Permit shall complete and file with the District an application in the form prescribed by the Director. Application shall be made only on the forms provided and specified by the District.

The District will evaluate the data furnished by the User and may require additional information or an on-site inspection of the facility. After evaluation of the data furnished, the Director shall issue to any industry entitled thereto a Wastewater Discharge Permit subject to terms and conditions provided herein.

After the initial submission, the District may, at reasonable intervals, and prior to renewal of an existing Wastewater Discharge Permit, require a User to submit a completed Wastewater Discharge Permit Application. The User shall comply with said requirement.

Section 1503 Permit Requirements

Wastewater Discharge Permits shall be expressly subject to all provisions of these Rules and Regulations. Permits shall contain requirements as determined by state, and federal regulations, MSD's approved pretreatment program, and as specified by the Director.

Section 1504 Permit Terms and Conditions, Appeals

Permits shall be issued for a specified period of time, but in no event shall a permit extend beyond three (3) years from the effective date. No later than sixty (60) days prior to the expiration of the permit, the User shall apply to the District for a renewal of the permit.

The District shall provide a copy of the proposed permit, whether a new permit or a renewal permit, to the User fourteen (14) days prior to its effective date. The User shall have the right to request and participate

in a settlement conference, pursuant to the terms of Section 2302 of these Rules and Regulations, at any time prior to the effective date of the permit. Within fourteen (14) days after the completion of such settlement conference, the Director shall issue a final permit. Until the Director issues a final permit, all previous conditions regarding wastewater discharge, before the new or renewal permit was proposed, shall remain in effect.

The User shall have the right to appeal the terms and conditions of a final permit to the Hamilton County Court of Common Pleas pursuant to O.R.C. Chapter 2506 and any other remedy of appeal provided by law. Wastewater discharge limits contained in any renewal permit shall take effect upon the effective date of the renewal permit, all other new terms and conditions of any renewal permit which is appealed shall be stayed and the remaining terms and conditions of the existing permit shall continue in full force and effect; provided that the District or User may seek relief from such stay or lack thereof in accordance with law from the Hamilton County Court of Common Pleas pending adjudication of any appeal. The terms and conditions of a new permit to a new User which is appealed shall take effect upon the effective date of the new permit, subject to modification by the Hamilton County Court of Common Pleas pending adjudication of any appeal.

Section 1505 Non-transferrable

Wastewater Discharge Permits are issued to a specific User for a specific operation at a specific facility. A Wastewater Discharge Permit shall not be reassigned or transferred or sold to another owner, another User or different premises. A Wastewater Discharge Permit shall not be transferred to a new or significantly changed operation.

Upon sale or transfer of a facility or process, the new owner must apply for a new Wastewater Discharge Permit as required by the District. Regardless of the current permit status, any violations caused by wastewater discharges shall be the responsibility of the owner of the facility at the time monitoring occurs.

Section 1506 Requirements

Any User who violates any of these Rules and Regulations, or applicable State and/or Federal Regulations, or any of the following conditions which are hereby made part of every permit, whether stated therein or not, is subject to having his permit revoked:

- A. The User shall factually report the wastewater constituents and characteristics of his discharge.
- B. The User shall report significant changes in operation or in wastewater constituents and characteristics.
- C. The User shall allow reasonable access to his premises for the purpose of inspection or monitoring.
- D. The User shall comply with each and every term and condition of the permit.
- E. The User shall pay accrued service charges, sampling fees, and costs of the work required to clear and/or repair the wastewater treatment works affected by the user's discharge.
- F. The User shall not create a public nuisance by reason of its operations or discharges.

Section 1507 Monitoring Facilities

The Director may require any industrial User to construct, at the User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer or internal drainage systems, and may also require sampling or metering equipment to be provided, installed, and operated at the User's expense.

The monitoring facility shall be situated on the User's premises and located so that it will not be obstructed by landscaping or parked vehicles.

The personnel of the District shall have unimpeded access to the monitoring facilities at all times for inspection and sample collection. If the facilities are locked, special arrangements shall be made to allow access. The District shall also have the right to set up monitoring devices at the facilities. There shall be ample room in or near such monitoring facilities to allow accurate sampling and compositing of samples for analysis. The monitoring facilities, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the District's requirements and all applicable local agency construction standards and specifications. Construction of the monitoring facility shall not begin until plans, therefore, have been submitted to and approved by the District. Unless a time extension is granted in writing by the Director, construction shall be completed within ninety (90) days following the issuance of written approval by the District.

Section 1508 Access to Premises

Persons or occupants of premises of any Industrial User where wastewater is created or discharged shall allow the employees of the District ready access at all reasonable times to all parts of the premises for the purposes of inspection or sampling or for the performance of any of their duties, including inspection of all records maintained in accordance with these Rules and Regulations. The District shall have the right to set up on the User's property such devices as are necessary to conduct sampling or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into the premises, the User shall make necessary arrangements with its security guards so that upon presentation of suitable identification, personnel from the District will be permitted to enter without delay for the purpose of performing their specific responsibilities. While performing the work, the District personnel shall observe all Safety Rules applicable to the premises, established by the User.

Delay or denial of access is expressly prohibited by these Rules and Regulations.

Section 1509 Confidentiality

Information and data about a User obtained from applications, permits, monitoring programs and inspections shall be available to the public or any government agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the Director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or that such information is entitled to the protection afforded by 40 CFR 403.14, Confidentiality. Any or all of the aforementioned shall be made available to MSD, OEPA and USEPA for inspection and photocopying at reasonable times.

When requested by the person furnishing a report, and until such time as the information is determined not to be confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to these Rules and Regulations, and/or pretreatment programs; provided that, such portions of a report shall be available for use by the Board or Director in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics shall not be recognized as confidential information. Information accepted by the Director as confidential shall not be transmitted to any governmental agency by the Director until and unless a ten (10) day notification is given to the person furnishing the information.

Section 1510 Responsibility for Proper Function

Approval of proposed facilities or equipment by the Director does not, in any way, guarantee that these facilities or equipment will function in the manner described by their owner, designer, constructor or manufacturer; nor shall it relieve a person of the responsibility to enlarge or otherwise modify such facilities to accomplish the intended purpose.

Section 1511 Falsification

Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this article, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method shall, upon conviction, be punished as provided in Article XXII, Section 2205.

Section 1512 Significant Noncompliance

At least annually, the Director shall publish in a major daily newspaper in Hamilton County a list of all industrial users that at any time during the previous 12 months were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, an industrial user is in significant noncompliance if its violations meet one or more of the following criteria:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the Director determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- D. Any discharge of a pollutant that has caused imminent endangerment of human health, welfare or to the environment or has resulted in the POTW's exercise of emergency authority to halt or prevent such a discharge;

- E. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance;
- H. Any other violation or group of violations that the Director determines has adversely affected or will adversely affect the operation or implementation of the M.S.D. pretreatment program.

Section 1513 Obstructions, Structural Damage, Other Damage

No person shall commit any act or permit or maintain any condition which results in obstruction of flow in or structural damage to the wastewater treatment system, nor shall any person discharge to the wastewater treatment system wastes which cause, threaten to cause, or are capable of causing either alone or by interaction with other substances:

- A. A fire or explosion.
- B. Obstruction of flow in or damage or injury to the wastewater treatment system.
- C. Danger to life or safety of personnel.
- D. A nuisance or prevention of the effective maintenance or operation of the wastewater treatment system, through having a strong, unpleasant odor.
- E. Air pollution by the release of toxic or malodorous gases or malodorous gas-producing substances.
- F. Interference with wastewater treatment processes or with the operation of any wastewater treatment works.
- G. The wastewater treatment system's effluent or any other product or the treatment process such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
- H. A detrimental environmental impact or a nuisance in the Water of the State.
- I. Any condition in the wastewater treatment system's effluents such that receiving water quality requirements established by law cannot be met.
- J. Violation of any other agencies' statute, permit, rules, regulations or ordinances.

- K. Quantities or rates of flow which overload any wastewater treatment works or cause excessive District operation and/or maintenance costs, or use a disproportionate share of a wastewater treatment works.

Section 1514 Radioactive Materials

No person shall discharge material licensed by the Federal Nuclear Regulatory Commission or other radioactive material into the wastewater treatment works unless:

- A. It is readily soluble or dispersible in water; and
- B. The quantity of any licensed or other radioactive material released into wastewater treatment works by the User in any one day does not exceed the larger of subparagraph (1) or (2) of this paragraph:
 - 1. The quantity which, if diluted by the average daily quantity of wastewater released into the wastewater treatment works by the User, will result in an average concentration exceeding the limits specified in Appendix B, Table I, Column 2 of Federal Regulations, January 1, 1975, Revisions, Title 10, Part 20 (on file with the District) and
 - 2. Ten times the quantity of such material specified in Appendix C of Federal Regulations, January 1, 1975, Revisions, Title 10, Part 20.
- C. The quantity of any licensed or other radioactive material released in any one month, if diluted by the average monthly quantity of wastewater released by the User; will not result in an average concentration exceeding the limits specified in Appendix B, Table I, Column 2*; and
- D. The gross quantity of licensed and other radioactive material released into the wastewater treatment works by the User does not exceed one curie per year.

Excreta from individuals undergoing medical diagnosis or therapy with radioactive material shall be exempt from any limitations contained in this Section.

Section 1515 Garbage

No person shall discharge wastes from garbage grinders into the wastewater treatment system except:

- A. Wastes generated in preparation of food normally consumed on the premises, or
- B. Wastes of a specific character whose discharge after grinding is authorized by a written permit signed by the Director.

All garbage grinders shall shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the public sewer. Wastes from garbage grinders used for grinding plastic, paper products, inert materials, or garden refuse shall not be discharged to the wastewater treatment system.

Section 1516 Discharge to WTS

No person shall discharge any substances directly into a manhole or other opening in the wastewater treatment system other than through an approved building sewer, unless upon written application to the Director and payment of the applicable User charges and fees, the Director issues a permit for such direct discharges.

Section 1517 Wastewater Discharge Limits

No person shall discharge wastewater containing cadmium, chromium, copper, cyanide (amenable), cyanide (total), mercury, nickel, lead or zinc in concentrations greater than those listed in Table 1517-1, wherein concentrations in Column (A) are those of composite samples collected over the daily period of operation in proportion to flow so as to produce a representative sample and concentrations in Column (B) are those of samples collected over a time interval of not more than one minute so as to produce a grab sample. However, if Q, the average daily discharge of a User in gallons per day, is less than 24,000, then the allowable concentrations of Cadmium, Chromium, Copper, Nickel, Lead, Zinc, and Total Cyanide, except for Central Waste Treatment (CWT) facilities and Special Wastewater Discharges, shall be calculated by multiplying the local limit by 24,000/Q, but in no event shall an allowable concentration exceed three times the listed value.

Provided, however, that should circumstances arise wherein District personnel, a wastewater treatment system, receiving water quality, or compliance with an NPDES permit is, or may be, in danger of being adversely affected by wastewater discharges containing the substances set forth in Table 1517-1, the Director shall have the authority to impose effluent limitations more stringent than those set forth in Table 1517-1 to the extent necessary to eliminate the adverse impact.

Table 1517-1

Little Miami Drainage Basin Local Limits		
Pollutant	Column A	Column B
Cadmium (Total)	0.30	0.45
Chromium (Total)	10.0	15.0
Chromium (+6)	0.60	0.90
Copper (Total)	2.2	3.3
Lead (Total)	5.7	8.55
Mercury (Total)	0.02	0.03
Nickel (Total)	10.0	15.0
Silver (Total)	1.0	1.5
Zinc (Total)	10.0	15.0
Cyanide (Total)	n.a.	15.0
Cyanide (Free)	n.a.	3.0
Cyanide (Amenable)	n.a.	3.0
Phenols	n.a.	50.0
Oil & Grease	n.a.	50.0
Vapor Space Organics (VSO)	n.a.	450 ppm

Column A = concentrations (mg/l, unless otherwise noted) of composite samples collected over the daily period of operation in proportion to flow so as to produce a representative sample.

Column B = concentrations (mg/l, unless otherwise noted) of samples collected over a time interval of not more than one minute so as to produce a grab sample.

n.a. = sampling and analytical method and/or regulatory limit requires grab samples only.

Table 1517-2

Mill Creek Drainage Basin Local Limits		
Pollutant	Column A	Column B
Cadmium (Total)	6.0	9.0
Chromium (Total)	10.0	15.0
Copper (Total)	10.0	15.0
Lead (Total)	6.0	9.0
Mercury (Total)	0.02	0.03
Nickel (Total)	10.0	15.0
Zinc (Total)	10.0	15.0
Cyanide (Total)	n.a.	15.0
Cyanide (Amenable)	n.a.	3.0
Phenols	n.a.	50.0
Oil & Grease	n.a.	50.0
Vapor Space Organics (VSO)	n.a.	450 ppm

Column A = concentrations (mg/l, unless otherwise noted) of composite samples collected over the daily period of operation in proportion to flow so as to produce a representative sample.

Column B = concentrations (mg/l, unless otherwise noted) of samples collected over a time interval of not more than one minute so as to produce a grab sample.

n.a. = sampling and analytical method and/or regulatory limit requires grab samples only.

Table 1517-3

Sycamore Drainage Basin Local Limits		
Pollutant	Column A	Column B
Cadmium (Total)	6.0	9.0
Chromium (Total)	10.0	15.0
Copper (Total)	1.53	2.30
Lead (Total)	6.0	9.0
Mercury (Total)	0.0005	0.0007
Nickel (Total)	10.0	15.0
Zinc (Total)	2.0	3.0
Cyanide (Total)	n.a.	15.0
Cyanide (Amenable)	n.a.	3.0
Cyanide (Free)	n.a.	3.0
Phenols	n.a.	50.0
Oil & Grease	n.a.	50.0
Vapor Space Organics (VSO)	n.a.	450 ppm

Column A = concentrations (mg/l, unless otherwise noted) of composite samples collected over the daily period of operation in proportion to flow so as to produce a representative sample.

Column B = concentrations (mg/l, unless otherwise noted) of samples collected over a time interval of not more than one minute so as to produce a grab sample.

n.a. = sampling and analytical method and/or regulatory limit requires grab samples only.

Table 1517-4

Muddy Creek Drainage Basin Local Limits		
Pollutant	Column A	Column B
Cadmium (Total)	6.0	9.0
Chromium (Total)	10.0	15.0
Copper (Total)	10.0	15.0
Lead (Total)	6.0	9.0
Mercury (Total)	0.02	0.03
Nickel (Total)	10.0	15.0
Zinc (Total)	10.0	15.0
Cyanide (Total)	n.a.	15.0
Cyanide (Amenable)	n.a.	3.0
Phenols	n.a.	50.0
Oil & Grease	n.a.	50.0
Vapor Space Organics (VSO)	n.a.	450 ppm

Column A = concentrations (mg/l, unless otherwise noted) of composite samples collected over the daily period of operation in proportion to flow so as to produce a representative sample.

Column B = concentrations (mg/l, unless otherwise noted) of samples collected over a time interval of not more than one minute so as to produce a grab sample.

n.a. = sampling and analytical method and/or regulatory limit requires grab samples only.

As its initial action to enforce the local limits, the District may require the incorporation into the User's Wastewater Discharge Permit of a compliance schedule developed after notice to and consultation with the Permittee and taking into consideration practical equipment delivery and construction completion times. Nothing in this initial action shall be construed as authorizing a variance from the limits set forth in Table 1517-1.

Industries subject to National Categorical Pretreatment Standards shall comply with the provisions of Section 1528 in cases where said provisions are more stringent than those of Section 1517.

Otherwise, all Users, including those subject to National Categorical Pretreatment Standards, shall comply with the provisions of Section 1517.

Section 1518 Prohibitions

No person shall discharge or cause to be discharged to the wastewater treatment system any of the following described substances, materials, waters or wastes:

- A. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius) or which produces a temperature of 104 degrees Fahrenheit (40 degrees Celsius) or greater in wastewater entering a wastewater treatment plant.
- B. Any water or wastes containing floating oils, fat, or grease or containing more than 50 milligrams per liter of silica gel treated n-hexane extractable material (total petroleum hydrocarbons) as determined by analysis of a grab sample.
- C. Any water or wastes containing dissolved gases (such as but not limited to hydrogen sulfide, sulfur oxides, nitrogen oxides, and ammonia) in concentrations sufficient to cause poisonous or toxic fumes or wastewater, or a malodorous or harmful condition, or that may cause acute worker health and safety problems.
- D. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, asphaltic materials, cement or concrete, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, beer or distillery spent grains, chemical residues, paint residue, cannery waste bulk solids, or any other solid or viscous substances, in amounts capable of causing obstruction to flow in, or interference with the proper operation of, a wastewater treatment works.
- E. Any water or wastes that contain phenols in excess of 50 mg/1 as determined by analysis of a grab sample. This limit may be reduced by the Director to the extent that the aggregate of contributions throughout the Metropolitan areas of service creates treatment difficulties, or produces wastewater treatment plant effluent discharges to receiving waters that may be prohibited.
- F. Any waste or wastewater with pH values outside the range of 6 to 10 standard units; provided, that if any waste or wastewater otherwise complying with this subsection (F) causes an adverse impact on the wastewater treatment process or causes the District to be in violation of any of its NPDES permits, the Director may, by means of an order or of a Wastewater Discharge Permit, impose

more stringent limitations on the pH of the waste or wastewater so as to eliminate the adverse impact or violation of NPDES permits.

- G. Any water or wastes containing objectionable or toxic substance(s) to such degree that the concentration(s) of any such substance(s) received in the composite wastewater treatment plant exceed(s) the limit(s) established by the Director for such substance(s).
- H. Any waste or wastewater of such characteristics that when grab samples of the waste or wastewater are tested using the "Final Procedure Vapor Space Organics" as published by MSD, the aggregate concentration of organic substances in the vapor space exceeds 450 ppm (v/v) on any day, or during any 90 consecutive calendar days the average of the maximum values for five consecutive monitoring days exceeds 300 ppm (v/v).

NOTE: For purposes of this subpart (H) methane (CH₄) is not considered an organic substance.

- I. Any waste or wastewater with a closed cup flash point of less than 140 degrees Fahrenheit (60 degrees Centigrade) when tested using the test method specified in 40 CFR 261.21.

Section 1519 Dilution of Discharge

No person shall 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 any local or national discharge standard or to carry viscous or solid materials into the POTW that interferes or otherwise hinders or causes increased cost to the POTW.

Section 1520 Pretreatment or Control Facilities Plan Approval

Plans, specifications and any other pertinent information relating to pretreatment or control facilities shall be submitted for the approval of the District in advance of construction, or for existing facilities upon request. Failure to make a timely submittal shall be grounds for revocation of or refusal to issue or renew a wastewater discharge permit.

Section 1521 Responsibility for Proper Function

Approval of existing or proposed pretreatment or control facilities or equipment by the District does not, in any way, guarantee that the facilities or equipment will function in the manner described by their owner, designer, constructor or manufacturer; nor shall it relieve any person of the responsibility of enlarging or otherwise modifying such facilities to accomplish the intended purpose of pretreatment or control.

Section 1522 Maintenance

Where such pretreatment or control facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner or User at his expense and shall be subject to periodic inspection by the District. The owner or User shall maintain operating records as required by the Director and shall submit to the District, as required by the Director, reports of the character of influent and effluent to show the performance of the pretreatment or control facilities.

Section 1523 Traps

Grease, oil and sand interception devices or traps of adequate size, as defined by the Ohio Plumbing Code Chapter 4101:2-63-02 shall be provided when, in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing oil or grease in excessive amounts, sand, or other harmful ingredients, except that such interception devices or traps will not be required for private living quarters or dwelling units. All interception devices or traps shall be of a type and capacity approved by the Director, who in granting or withholding approval shall take into consideration the provisions of OBBC Chapter 4101: 2-51-24, and shall be so located as to be readily and easily accessible for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, gas tight, watertight, and equipped with easily removable covers. Inspection of construction for conformance with plans and specifications shall be performed by the Authority having jurisdiction. Where installed, all grease, oil and sand interception devices or traps shall be maintained by the owner, or User, at his expense, in continuously efficient operation at all times.

The owner, or User, shall properly maintain, and have on site and available for inspection, maintenance and cleaning records for each interception device. These devices shall be installed in all restaurants, cafeterias, etc.

Section 1524 Protection from Accidental Discharge

Each user shall provide facilities for protection of the wastewater treatment system from accidental discharge of prohibited materials or other regulated wastes. Such facilities shall be provided and maintained at the User's expense. Detailed plans delineating such facilities and detailed operating procedures to provide this protection shall be maintained by the User and made available for inspection by the District at any reasonable time, upon request of the District.

Section 1525 Spill Notification

Users shall notify the District immediately of any slug loading or any other discharges of wastes or highway spills in violation of these Rules and Regulations.

This notification shall be followed, within 15 days of the date of occurrence, by a detailed written statement from the User describing the causes of the discharge and the measures being taken to prevent its future occurrence.

Such notification will not relieve Users of liability for any consequential expense, loss or damage, including without limitation any fines and/or penalties imposed on the District, which result from the violative discharge.

Users shall make available to their employees, copies of these Rules and Regulations together with such other wastewater information and notices, which may be furnished by the Director from time to time directed toward more effective water pollution control. A notice shall be furnished and permanently posted by the User in a conspicuous place, advising employees whom to call in case of any discharge in violation of these Rules and Regulations.

Section 1526 Process Upsets

Any User who experiences an upset in operations which places the User in a temporary state of noncompliance with these Rules and Regulations or a Wastewater Discharge Permit issued pursuant hereto shall notify the District within 24 hours of first awareness of the commencement of the upset. A written follow-up report thereof shall be filed by the User with the District within five days. The report shall specify:

- A. Description of the upset, the cause thereof and the upset's impact on the User's compliance status.
- B. Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur.
- C. All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.

The Industrial User must notify the District if a violation has occurred, and a notice of violation shall be issued by the District for the discharge, but a documented and verified bonafide operating upset shall be an affirmative defense to any enforcement action brought by the District against a User for any noncompliance with these Rules and Regulations or any Wastewater Discharge Permit issued pursuant hereto, which arises out of violations alleged to have occurred during the period of the upset. Upon verification of supportive information that the upset was bonafide, the District shall retract the notice of violation.

An upset is an exceptional incident in which a User unintentionally and temporarily is in a state of noncompliance with the standards set forth in Sections 1513, 1514, 1517, 1518, or 1528 hereto due to factors beyond the reasonable control of the User, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, insufficient supply of treatment chemicals, failure to lock out an inoperable device, inadequate calibration of equipment, lack of preventive maintenance, or careless or improper operation.

Section 1527 Prohibited Discharges

Discharge of wastewater in violation of these Rules and Regulations in any manner or in violation of any order issued by the Director as authorized by these Rules and Regulations, is hereby declared a public nuisance. Such nuisance shall be corrected or abated as ordered by the Director.

Section 1528 Pretreatment Regulations

National Pretreatment Regulations applicable to Industrial Users, including without limitation, National Categorical Pretreatment Standards (as set forth in 40 CFR Chapter I, Subchapter N-Effluent Guidelines and Standards) are hereby incorporated by reference as fully as if written herein. All Users subject to said Regulations and Standards shall comply therewith when more stringent than the local standards.

Rule 3745-3-01 *et sequens* (Pretreatment Rules) of the Ohio Administrative Code are hereby incorporated by reference as fully as if written herein. Users subject to said Pretreatment Rules shall comply therewith when more stringent than the local standards.

Section 1529 Baseline Monitoring Report

Within 180 days after EPA promulgates categorical standards applicable to an Industrial User, or 180 days after the final administrative decision made upon a category determination, whichever is later, the User shall submit a baseline monitoring report to the District containing the following:

- A. The name and address of the User.
- B. The location of such User.
- C. The nature, average rates of production (short and long term), and Standard Industrial Classification(s) of the operation(s) carried out by such User.
- D. The average and maximum flow(s) of the discharge(s) from each regulated process and from the entire facility, in gallons per day.
- E. The nature and concentration of pollutants in the discharge from each regulated process from such User, identification of the applicable Pretreatment Standards and Requirements, and a statement of pretreatment methods. The concentration shall be reported as a maximum or average level as provided for in the applicable Pretreatment Standard. If an equivalent concentration limit has been calculated in accordance with the Pretreatment Standard, this adjusted concentration limit shall also be submitted for approval.
- F. A statement, reviewed by an authorized representative of the User, and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O. and M.) and/or additional pretreatment is required for the User to meet the Pretreatment Standards and Requirements; and
- G. If additional pretreatment and/or O. and M. will be required to meet the Pretreatment Standards; the shortest schedule by which the User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

While undertaking the steps outlined in Item 7 above, the User shall submit a progress report to the District within 14 days after completion of each step, or every 9 months, whichever comes first.

At least 90 days prior to commencement of discharge, a New Source, or a source which has become a User subsequent to the promulgation of an applicable categorical standard, shall submit to the District a report containing the information as required by items 1 through 5 hereof, provided that responses to items 4 and 5 shall be estimates of the information sought. Such Users shall also report on the method of pretreatment to be used in meeting applicable standards.

Section 1530 Compliance Report

Within 90 days following the date for final compliance with applicable Pretreatment Standards, any User subject to Pretreatment Requirements, other than a New Source, shall submit to the District a report containing the information required by items A through G of Section 1529 thereof.

Within the shortest feasible time following commencement of the introduction of wastewater into the POTW, not to exceed 90 days, a New Source User shall achieve compliance with all applicable Pretreatment Standards and Requirements, and shall submit to the Control Authority a report containing the information required by items A through F of Section 1529 thereof.

Section 1531 Report Required by Wastewater Discharge Permit

All Significant Industrial Users and Non-significant Industrial Users shall submit to the District, as required by an effective Wastewater Discharge Permit, a report indicating the nature and concentration of pollutants in the effluent which are specified by an effective Wastewater Discharge Permit or other authority. These data shall be based on sampling and analysis performed during the period reported on, and shall be representative of conditions occurring during the reporting period. This report shall also include a record of measured or estimated average and maximum daily flows for the reporting period. At its discretion, the District may alter the months during which reports are to be submitted, and may require a more detailed reporting of flows. If any User required to submit monitoring reports monitors any pollutant more frequently than required by the District or its Wastewater Discharge Permit using the methods of Analytical Testing, the results of this monitoring shall be included in the periodic reports required by the District or the User's Wastewater Discharge Permit. In no case shall said reports be submitted later than 45 days after the last day of the month in which the monitoring was performed.

Section 1532 Signature

Wastewater Discharge Permit applications, and reports, plans or notices required by Wastewater Discharge Permits or Sections 1509, 1520, 1522, 1525, 1526, 1528, 1529, 1530, 1531, 1533, 1534, 1536, 2104, or 2301 shall be signed by a Responsible Official.

Section 1533 Notice of Violation

If monitoring of its wastewater by an Industrial User indicates a violation, and the monitoring was performed in accordance with the requirements of an effective Wastewater Discharge Permit, the User shall notify the District within 24 hours of becoming aware of the violation. Notice may be provided by telephone, in person, hand delivery, or facsimile transmittal. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the District within 30 days after becoming aware of the violation.

Section 1534 Bypass

An Industrial User may allow a bypass to occur provided the bypass does not cause any violations of standards or requirements and is for essential maintenance to assure efficient operation. Said bypass must be approved in advance by the District and may not violate any other agency or governing body's requirements.

Otherwise, bypass is prohibited unless (1) unavoidable to prevent loss of life, personal injury, or severe property damage, (2) there were no feasible alternatives, and (3) the Industrial User submitted ten days prior notice to the District, or in the case of an unanticipated bypass provides notice to the District within 24 hours after awareness of the bypass and within five (5) days submits to the District a written description of the bypass, its cause, its duration including dates and times and the time it is expected to continue, and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

Approval of a bypass or occurrence of an allowable bypass shall in no way stop the District from recovery of costs associated with the bypass, including, but not limited to, repair of associated damage, increased operating costs, and additional monitoring and inspection costs. Approval of a bypass does not in anyway prohibit parties other than the District from recovery of damages.

Section 1535 Hauled Pollutants

Except as provided in Article XIV no person shall discharge trucked and hauled pollutants into any location of the wastewater treatment system at any time except as allowed by a Special or Wastewater Discharge Permit.

Section 1536 Changes in Characteristics

Any Industrial User shall promptly notify the District in advance of any changes in the volume or character of pollutants in its discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 CFR 403.12(p).

Section 1537 Sampling and Analysis Performance

All sampling and analysis required by these Rules and Regulations shall be performed in compliance with 40 CFR Part 136.

Section 1538 Charges for Monitoring

Every Industrial User whose wastewater by federal and/or state regulations require the District to monitor, in the manner set forth in the Metropolitan Sewer District's Approved Pretreatment Program, shall be charged the actual cost of scheduled monitoring in accordance with rates established by the Board. Such charges shall be payable in the same manner as sewage service charges, or by means of a separate billing. The District may certify amounts not timely paid to the County Auditor for collection in accordance with Section 6117.02 Ohio Revised Code. Failure to pay such fees may result in revocation of the Wastewater Discharge Permit, removal of the facility's sewer tap, issuance of a Cease and Desist order, or other necessary action.

Section 1539 Self-monitoring

An Industrial User may also be required to perform self-monitoring in accordance with federal and/or State regulations as set forth in the Metropolitan Sewer District's Approved Pretreatment Program. These self-monitoring costs shall be the direct responsibility of the User.

Section 1540 Charge for One-time Discharge Permit

Any one-time discharge permit for the Authorization To Discharge Special Wastewater shall include an appropriate charge to the user in accordance with Section 2501.

ARTICLE XVI

APPLICATION OF THE WASTEWATER TREATMENT SYSTEM (WTS) SERVICE CHARGE

Section 1601 General Rule

Every person whose premises are served by a sewer connection that discharges wastewater either directly or indirectly into the wastewater treatment system under the management of the District shall be charged for the use of said system.

Section 1602 WTS Service Charge

The WTS service charge shall consist of a minimum charge and a commodity charge based on the size of the water meter(s) and the quantity of water used, as measured by the water meter(s). No other method of measurement of the quantity of water used/wastewater discharged shall be acceptable, unless pre-approved by the Director.

Where the agency supplying the water makes an adjustment in the metered usage, an adjustment in the WTS service charges/WTS surcharges shall automatically be made and in the same proportion as the adjustment made by the agency supplying the water.

Section 1603 Minimum Charges where Multiple Meters Occur

When a premise is served by more than one water meter, a minimum charge shall be made for each meter. The commodity charge shall be applied to the consolidated flow, above the minimums, for all meters, except as otherwise provided in Section 1604 & 1605. If, per Section 1602, a method of measurement other than a meter is pre-approved, a minimum charge shall be assessed.

Section 1604 Private Water Sources - Add Purposes

When a premise is supplied either in whole or in part with water from wells, groundwater, or any source other than a public water supply, the owner must submit a written application to the District for the installation of an auxiliary sewage meter. The Director shall have the authority to approve, deny, or adjust any such request.

If approved, the owner shall install meters on all such supplies, and maintain them at owner's expense. Homeowners may be exempted from installing a meter, but shall be billed the minimum charge based on the rate structure in effect at that time.

Except as noted above, the quantity of water used to determine the WTS service charge/WTS surcharge shall be the quantity of water actually entering the wastewater treatment system as metered.

If a premise is determined to be discharging unregistered water into the system from any source, such as from an unmetered well, previously exempted metered flow or stormwater, back-billing for the estimated duration of the discharge will be issued. Back-billing of the WTS service charge/WTS surcharge will be

estimated from data provided by the property owner and investigative findings of the District. The District may certify unpaid WTS service charges to the County Auditor for collection in accordance with Section 6117.02 of the Ohio Revised Code.

All meters shall be installed in accordance with the standards, rules and regulations of the applicable public water works. Auxiliary meters must register in the same units as those used for billing purposes by the local water utility.

When the auxiliary meter is so located that it is not read by the Water Meter Reader, it shall be the responsibility of the User to make reports of meter readings for each billing period on or before the due day established by the District. If "Add" auxiliary meter readings have not been reported for three consecutive billing periods, and the User has been notified of two consecutive delinquencies, the Director may assess and add to the User's bill a penalty, calculated by multiplying ten dollars by the number of days elapsed from the due date of the report last due to its date of receipt.

Approved auxiliary meters, for "ADD" purposes, shall not be relocated, taken out of service, or put into a different service. These actions shall only be taken with prior written approval from the District. Failure to gain prior approval may result in enforcement action.

Replacement of broken or faulty meters previously approved by MSD must register in the same units as those used for billing purposes by the local water utility.

Section 1605 Auxiliary Sewage Meter(s) - Deduction Purposes

When a person can show to the satisfaction of the Director that a portion of the water as measured by the water meter(s) does not enter the wastewater treatment system, said person may submit a written application to the Director for the installation of an auxiliary sewage meter. The Director shall have the authority to approve, deny, or adjust any such request.

If approved, the owner shall install meters on all such supplies, and maintain them at owner's expense.

The quantity of water used to determine the WTS service charge/WTS surcharge shall be the quantity of water actually entering the wastewater treatment system as metered.

No refunds, credits, or allowances shall be given covering any period prior to the date an exemption from the WTS service charge/WTS surcharge is authorized in writing by the Director.

All meters shall be installed in accordance with the standards, rules and regulations of the applicable public water works. Auxiliary meters must register in the same units as those used for billing purposes by the local water utility.

When the auxiliary meter is so located that it is not read by the Water Meter Reader, it shall be the responsibility of the User to make reports of meter readings for each billing period on or before the due day established by the District. In the event a User fails to make timely reports of deduct meter readings for three consecutive billing periods, and has been notified of two consecutive delinquencies, the Director may cancel the deduct auxiliary meter(s). For the billing period that no readings were received by the District, no billing adjustments will be made without a complete review of the account. The User may submit a written request, to the Director, for a complete review.

Approved auxiliary meters, for "DEDUCT" purposes, shall not be relocated, taken out of service, or put into a different service. These actions shall only be taken upon notification to the District. Failure to immediately report such changes may result in the cancellation of the Director's approval.

Replacement of broken or faulty meters previously approved by the District must register in the same units as those used for billing purposes by the local water utility.

Section 1606 Leaks

When a person has reason to believe that a reduction in or an exemption from the WTS service charge/WTS surcharge, due to a one-time event, is justified, that person shall submit a written request to the District and shall furnish such information as required in support of the request. The Director shall have the authority to approve, deny or adjust any such request.

Section 1607 Temporary Add Meters

When a well or wells are used as a "supplementary" water supply and are used for a period not exceeding six months in any calendar year, the minimum portion of the WTS service charge may be waived by the Director for the period of non-usage subject to such requirements as he may deem necessary.

Section 1608 Exemptions for Unused Service Branches

Exemptions from the WTS service minimum charges for unused service branches, standby service branches and new service branches for new construction shall be made upon evidence of meeting the following criteria.

If no water is consumed in a billing period then no wastewater treatment services shall be billed for the following:

- A. Unused service branches installed for vacant unimproved property in connection with highway improvements, which have not been extended for service and are properly plugged to prevent flow from entering the sewer system.
- B. New service connections installed for new construction, prior to the installation and inspection of a new water meter.

Section 1609 Fire Protection Service Branches

Properly used fire protection service branches shall be exempt from all WTS service charges/WTS surcharges.

Section 1610 Clean Water Deductions - Separate Sanitary & Storm Water Sewer System

During the first four (4) years of these regulations, commencing with the effective date, any users that have been allowed deductions based on standard deductions or once through cooling water deductions will continue to be allowed a pro-rated portion of the deduction. The pro-rating will be as follows:

Billing period	Percentage of the deduction allowed
1 st Year	80%
2 nd Year	60%
3 rd Year	40%
4 th Year	20%
Commencing with the 5 th Year from the effective date.	0%

Section 1611 Rate

The Board will set the specified rate to reflect costs of program elements, including but not limited to administration, inspection, and enforcement. From time to time as the Board deems necessary, the Board shall revise the specified rate to reflect conditions then current.

Section 1612 Compatibility Requirement

The Director shall have the authority to require changes to or replacement of auxiliary meters in order for the device to be compatible with the billing agency at that time. This may include, but is not limited to: automatic meters, telemetering, remote access meters, etc.

ARTICLE XVII

APPLICATION OF THE WASTEWATER TREATMENT SYSTEM (WTS) SURCHARGE

Section 1701 Determination of WTS Surcharge

Every person whose premises are served by a sewer connection and which discharge sanitary sewage, industrial wastes, water or other liquids--other than "normal strength sewage"--either directly or indirectly into the wastewater treatment system under the management of the District shall be charged and shall pay a wastewater treatment system Surcharge in addition to the wastewater treatment system Service Charge.

The surcharge shall be determined on the basis of any combination of three constituents of the wastewater.

- A. Total Suspended Solids
- B. BOD
- C. Kjeldahl Nitrogen

When the concentrations, expressed in mg/l, of any one, any combination, or all, of these three constituents exceed the values for "normal strength sewage", the excess concentrations shall be subject to charges at a rate calculated from the following formula:

$$R = A(SS-300) + B(BOD-240) + C(TKN-25)$$

Wherein

- R = Surcharge rate in dollars per hundred cubic feet of wastewater flow.
- SS = Suspended Solids in mg/l.
- BOD = Biochemical Oxygen Demand in mg/l.
- TKN = Total Kjeldahl Nitrogen in mg/l.
- 300 = Maximum Suspended Solids in normal strength sewage.
- 240 = Maximum BOD in normal strength sewage.
- 25 = Maximum Kjeldahl Nitrogen in normal strength sewage.

A, B, & C are numerical factors related to unit costs of providing primary and secondary treatment for the indicated pollutants. The values shall be those set forth in the currently applicable rate resolution adopted by the Board.

To the extent that the strength of a pollutant is less than eighty percent (80%) of the corresponding value for normal strength sewage, a credit shall be allowed as an offset against surcharge otherwise due.

Section 1702 Industrial Waste Questionnaire

Persons proposing to discharge other than normal strength sewage shall complete and file with the Director an industrial waste questionnaire containing pertinent information on the quantity of flow and a chemical analysis of the wastes to be discharged before said discharge begins.

Section 1703 Sampling Chambers

When required by the Director, the owner or User of any property discharging or capable of discharging wastes other than normal strength sewage shall install a suitable chamber or chambers in the building sewer to permit observation, sampling and measurement of the wastewater from their premises. Such chamber shall be constructed in accordance with plans approved by the Director, shall be installed by the owner or User at their own expense and shall be maintained by the owner or User so as to be safe and accessible to personnel of the District at all times.

Section 1704 Analytical Methods

Except as modified to reflect impact on the wastewater treatment plant and processes, measurements, test and analyses of the characteristics of such wastewaters shall be determined in accordance with "Standard Methods."

Section 1705 Discharge Strength

The strength of the wastewaters shall be determined from samples taken at the aforementioned chamber at such time(s) and of such duration(s) and in such manner as the District may elect, or at any place mutually agreed upon between the owner and the District. The results of routine sampling and analysis by the owner may also be used, in determining the amount of the surcharge, after verification by the District.

The strength so found by analysis shall be used in determining the amount of the surcharge. The surcharge shall be applied to the total water consumption, less that portion exempted by the District and shall be based on the average strength of all wastewater discharged to the wastewater treatment system.

Section 1706 Cost of Monitoring

The District shall assume the cost of operation of not more than two (2) gauging and sampling manholes or points of discharge and the necessary analytical work involved. In the event more than two (2) gauging and sampling manholes or points of discharge are necessary, the additional cost of the installation of measurement devices to be used and the costs of the personnel required for operation of the manholes or sampling points and the subsequent laboratory work involved, shall be borne by the User or the owners of the property.

Where a plant or premise discharges its effluent to a manhole or manholes, used as gauging and sampling points, and the effluent is of such volume and duration that installation of hydraulic equipment cannot be made until the plant or premise ceases its operations, by weekend closedown, the costs of making the installations, involving overtime pay, shall be borne by the User or owner. If the User or owner elects to make the hydraulic installations with his own personnel, the installations shall be made in a manner approved by the Director.

In the event that a period in excess of a standard five (5) day week is required for District personnel to properly gauge, sample and analyze the discharged effluent, the extra costs shall be borne by the User or owner of the property.

Section 1707 Access to Chambers

The District shall have the right without advance notice to enter and set up on the premises, such devices as are necessary to conduct a gauging and sampling operation and to begin such operation. While performing the work, the District personnel will observe all safety rules applicable to the premises and established by the owner or User.

In case a User or owner has security measures in force which require proper identification and clearance before entry into the premises is granted, said User or owner shall either make the necessary arrangements with the security guards that upon showing proper identification, personnel from the District will be permitted to enter, without delays, for the purpose of obtaining samples of wastes being discharged at the various sampling points; or User or owner shall install suitable gauging and sampling manholes outside the security limits which manholes will at all times be immediately accessible to District personnel.

Section 1708 Additional Sampling and Analysis

If a person disagrees with the analysis on which the WTS surcharge is based, he may request, in writing, an additional sampling and analysis that shall be conducted in a manner acceptable to the Director. The cost of such additional sampling and analysis shall be borne in full by the requester.

Section 1709 Default Analysis

In the event an analysis of the wastes is not furnished to the District when requested, or as a practical matter cannot be determined by a wastewater study conducted by the District, the WTS surcharge shall be based on a chemical analysis of a similar process or other data acceptable to the District and shall continue in effect until such time as an analysis of the waste is submitted by the Company and confirmed by the District.

Section 1710 Exemption

In case certain types of business and industrial Users discharge clear water, not contaminated as the usual wastewater entering the wastewater treatment system, and if such User shall install and have in operation equipment to prevent said water from entering the wastewater treatment system, the User may be exempt from payment of WTS surcharges for the water so eliminated. For implementation of this section, see Article XVI.

Section 1711 Flow Determination

If the Director finds that it is not practical to measure the quantity of wastewater by meters, he shall determine the quantity of wastewater entering the wastewater treatment system in any manner or by any method he may find reasonable and practical. The quantity so determined shall be the quantity of wastewater to which the WTS surcharge shall be applied.

ARTICLE XVIII

MISCELLANEOUS

Section 1801 Design and Construction Standards

The design and construction of all sanitary sewers connected, either directly or indirectly to the wastewater treatment system managed by the District shall meet all published standards and specifications as established by the District.

Section 1802 Municipalities' Rights

No statement contained herein shall preclude any municipality from its rights under law to construct a sanitary sewer, subject to these Rules and Regulations.

Section 1803 Expansion of District

No statement contained herein shall prevent the Director from negotiating with any other public authority in regard to expanding the District subject to the approval of the Board and the City.

Section 1804 Special Permits

A special permit will be issued when the following conditions occur:

- A. When an existing private sanitary or combined building sewer is proposed to be replaced, relocated or extended.
- B. When an investigation/TV is requested by private companies or contractors for existing public or private sanitary or combined sewers.
- C. When an existing manhole must be adjusted to grade because of excavation/fill over the public or private sanitary or combined sewer.
- D. When a sanitary building sewer dry line is installed. However, the District does not guarantee the sewer availability of this dry line for future connection until such time as the appropriate plans and flow data have been approved.
- E. Installation of a manhole on an existing building sewer.

- F. Other construction, modifications, or repair to an existing sewer not covered under a standard sewer permit as determined by the District.

All construction must be performed by a licensed and bonded sewer tapper registered with the District.

Section 1805 Policy on Management of Requests for Local Sewer Assessment Projects

It is the policy of the Board to encourage public sewers and to finance sewer improvements which provide local sewer service by levying special assessments on the properties receiving benefit from the sewer improvement, as provided in Ohio Revised Code Chapter 6117.

- A. Citizen petition. The Board, upon receipt of a written petition initiated by a citizen of Hamilton County for the construction, operation and maintenance of sewer improvements to provide local sewer service to property within the jurisdiction of MSD, will decide whether a sewer improvement shall be designed. In making its decision, the Board will consider the level of interest in a sewer improvement among the owners of properties to be served by the proposed sewer improvement, and it will consider the current condition of the private sewage systems in the project area. The Board will determine the level of interest based upon the number of premises whose owners have signed the petition as compared with the number of premises which could be served by the proposed sewer improvement.

If the Board decides that a sewer improvement shall be designed based upon the level of interest and whether the sewer improvement is necessary for the preservation and promotion of public health and welfare, it will direct MSD to prepare plans, specifications, estimate of cost, and tentative assessments for a sewer improvement to serve the premises. If the Board decides that a sewer improvement shall not be designed, it will dismiss the petition. Property owners may have appeal rights as provided in Chapter 6117 of the Ohio Revised Code and other applicable law. Owners should be advised to consult an attorney.

If the owners of all the lots and lands to be benefitted by and to be assessed for a local sewer improvement petition the Board to provide for the construction, maintenance, and operation of any such improvement, consenting that their said lots and lands may be assessed to pay the cost of such improvements, and waive notice and the publication of all resolutions and legal notices, the Board shall prepare the necessary plans, specifications, and estimates of cost of construction, and a tentative assessment. When all the owners of the lots and lands to be benefitted by and assessed for the proposed improvements state in writing that they have examined the estimated cost and tentative assessment and that they have no objection thereto, then the Board shall proceed to cause such improvements to be constructed and provision to be made for the payment of the cost of construction, maintenance, and operation of the local sewer improvement.

- B. Notice from Board of Health. If the Board receives written notice from a Board of Health of a jurisdiction within the Metropolitan Sewer District that a public health nuisance exists in a specified location in the sewer district and that the public health nuisance may be remedied by the construction of a sewer improvement, the Board will decide whether a sewer improvement shall be designed. In making its decision, the Board will consider the notice of public health nuisance, whether the sewer improvement is necessary for the preservation and promotion of public health and welfare, and the level of interest in a sewer improvement among the owners of properties to be served by the proposed sewer improvement. The Board will determine the level of interest by polling the premises owners. The determination will be based upon the number of premises whose owners respond affirmatively to the polling letter as compared with the number of premises which could be served by the proposed sewer improvement.

If the Board decides that a sewer improvement shall be designed, it will direct MSD to prepare plans, specifications, estimate of cost, and tentative assessments for a sewer improvement to serve the premises. If the Board decides that a sewer improvement shall not be designed, it will notify the Board of Health of its decision.

- C. **Public Health Hazard.** If the Board receives notice that the Board of Health of a jurisdiction within the MSD has adopted a resolution declaring that a public health hazard exists in a specified location in the sewer district and that the public health hazard may be remedied by the construction of a sewer improvement, the Board will consider directing MSD to prepare plans, specifications, estimate of cost, and tentative assessments for a sewer improvement to serve the specified location to remedy the public health hazard.
- D. **Order of the Director of the Ohio Environmental Protection Agency (OEPA).** Pursuant to ORC 6117.34, if the Board receives notice from the director of the OEPA that it is necessary for the public health and welfare that sewer improvements or sewage treatment or disposal works be constructed, the Board shall obey such order and proceed to construct such sewers or treatment works, or maintain, repair, or operate the same, as are required by such order and in such manner as is satisfactory to the Director.
- E. **Completion of final plans, specifications, estimate of cost, and tentative assessments.** If the Board decides that a local sewer improvement shall be designed, upon completion of the design MSD will certify final plans, specifications, estimate of cost, and tentative assessments to the Board for its consideration.

The Board will decide whether to proceed with the necessary legislative steps, as provided in Ohio Revised Code Chapter 6117, to undertake the local sewer improvement. In making its decision, the Board will consider any notice of unsanitary conditions or public health hazard from a Board of Health, whether the sewer improvement is necessary for the preservation and promotion of public health and welfare, and the level of interest in the sewer improvement among the owners of properties to be served by the proposed sewer improvement. The Board will determine the level of interest by providing the tentative assessment amount to the premises owners, then polling the premises owners. The determination will be based upon the number of premises whose owners respond affirmatively to the polling letter as compared with the number of premises which could be served by the proposed sewer improvement.

Section 1806 Policy Regarding Acceptance of Private and Public Sewers by the Board of County Commissioners for Public Control, Use, Operation, and Maintenance

An owner of a sanitary sewer which is owned, controlled, operated, and/or maintained by a person other than the Board of County Commissioners of Hamilton County (BOCC) through the MSD may petition BOCC to accept dedication of the said sewer for public use, control, operation, and maintenance.

The policy of BOCC is to require the following before it will consider accepting dedication of a sanitary sewer for public use, control, operation, and maintenance:

- A. A television inspection will be done to document the condition of the sewer. The inspection and any sewer cleaning necessary to perform the inspection will be provided by MSD one time only. The owner must provide a right of entry for the inspection. The said television inspection will

include only sewer sections that have adequate equipment access and sufficient pipe structural integrity to allow equipment passage through the sewer.

- B. The owner must, at his own cost, provide a smoke and dye inspection of the sewer to identify any sources of inflow or infiltration.
- C. The owner must, at his own cost, make any and all repairs or improvements to the sewer that are necessary to bring the sewer to MSD's current standards. If repairs or improvements are necessary, the owner shall provide to MSD a television inspection of the said private sewer after the necessary repairs or improvements are made.
- D. The owner must dedicate and provide a recordable plat for any and all easements necessary for the maintenance and operation of the sewer, at no cost to the County.
- E. The Director of MSD will notify the owner of any repairs or improvements that are necessary to bring the sewer to MSD's current standards.

After the above requirements are met, the Director of MSD will make a recommendation for BOCC's consideration as to the acceptability of the said sewer for public use, control, operation, and maintenance. If BOCC decides to accept the said sewer, it will adopt a resolution so stating. BOCC does not consider any private sewers to be under its jurisdiction unless and until such a resolution is adopted.

Dedication of combined sewers which are owned, controlled, operated, and/or maintained by a person other than BOCC will not generally be considered for acceptance by BOCC of County Commissioners. However, any owner of a combined sewer may appeal to BOCC in writing to accept dedication of the said sewer. The owner must accompany such an appeal with data demonstrating that the combined sewer has sufficient capacity to convey flow in such a manner so as to prevent backups, flooding, and sewer overflows.

Section 1807 Policy on Sewer Improvement Easement Acquisitions

Section VIII, paragraph 13 of the April 10, 1968 Agreement between the City of Cincinnati (City) and the Board of County Commissioners of Hamilton County (BOCC) for the MSD places responsibility for sewer easement acquisition with the City. It is the policy of BOCC that acquisition of easements for sewer construction, operation, maintenance and repair shall be as expeditious and efficient as is possible.

In order to acquire easements for sewer purposes, the City shall perform an appraisal of the fair market value of the easement and negotiate a final offer with the property owner. The City will use its best efforts to adhere to the following schedule for this process. This policy does not preclude shorter timeframes whenever possible.

A.	Project design complete (including acceptable easement drawings)		
B.	MSD prepares for submittal to Law Department for easement acquisition		1 month
C.	Law Department initiates appraisal and title opinion		2 months
D.	Review appraisal Assign to negotiator		1 month
E.	First contact with owner by negotiator		2 weeks
F.	Minimum of three contacts with owner by negotiator		3 months

If negotiations are successful:

G.	Obtain release of mortgage		2 months
H.	Record executed documents		1 month

If the property owner does not agree to grant the necessary easement, the Director of MSD shall notify the Board of County Commissioners. The Board will decide whether to authorize additional negotiation or to refer the matter to the County Prosecutor to appropriate the easement through litigation.

MSD will provide semi-annual status report on easement acquisition to BOCC with reference to the above schedule and timeframes. MSD will report to BOCC on any easement acquisitions that exceed any of the timeframes referenced in the above schedule.

Section 1808 Policy Regarding Repairs to Private Sewers Under Circumstances of a Public Health Emergency

If the Board receives notice that a Health Commissioner of a Health District within the Metropolitan Sewer District has declared that a public health emergency exists at a specified location in the sewer district and that the public health emergency is due to the failure of a private sewer which connects indirectly or directly to the public wastewater collection and treatment system of MSD, then MSD will proceed immediately to make necessary repairs to resolve the public health emergency. When the repairs are complete and the public health emergency is resolved, MSD will seek reimbursement from the Board of Health of the Health District within which the emergency occurred. The billing for reimbursement will include the total cost of the repairs including engineering, inspection and incidental costs.

If, after the public health emergency is abated, an appropriate public authority requests additional repairs be performed such that the private sewer will be in a condition which meets MSD current standards for acceptance for dedication to public use, MSD will provide such repairs, provided the public authority commits to reimburse all costs of said repairs.

If the public authority declines to pay the costs of said additional repairs, MSD will poll the owners of the private sewer to determine whether the owners are interested in MSD completing such repairs, with the owners to be assessed for the cost of said additional repairs in accordance with ORC 6117.01-6117.51. If

at all possible this polling will take place while MSD contractors, workers and equipment are still on the job site of the emergency repair, so that costs mobilization may be minimized.

If 100% of owners of the private sewer are in favor of an assessment project to repair the private sewer to standards such that it is acceptable for dedication to public use, and if 100% of owners waive their rights to object to the assessment project, then MSD will proceed with completion of the repairs.

If fewer than 100% of owners of the private sewer are in favor of the assessment project, no further work will be performed by MSD. An assessment project may be initiated in accordance with the procedures defined in Article XVIII, Section 1805.

Section 1809 Sewer Construction Inspection Fees

General Construction Inspection of Private Development \$50 per Hour

Section 1810 Mutual Aid Policy

Governmental agencies (cities, townships and villages in Hamilton County) request from MSD various types of assistance unrelated to the wastewater system, using MSD personnel and equipment. MSD may respond to requests for equipment and personnel services from other governmental agencies under the following conditions:

- a. The governmental agency requesting MSD services must designate in writing to the Director of MSD the individual(s) authorized to request and pay for requested services.
- b. MSD will bill the governmental agency for the services provided, within 30 days from the last day of service.
- c. MSD will not provide service to any governmental agency (including departments or divisions within the governmental agency) if bills for prior services are unpaid after 180 days.
- d. The services provided shall benefit the public and include public health and safety situations in the community.
- e. The MSD services shall be for a short duration and will not impair the basic sewer service provided by MSD to the MSD rate payers.
- f. MSD will not rent equipment or hire additional staff to provide these services.
- g. The Director of MSD or the Director's designee shall authorize any MSD services. In the cases of disaster or extreme emergency, the Director of MSD or the Director's designee shall take reasonable and immediate action to provide services as requested by a governmental agency. Expenditures shall be made in accordance with Section 2402 of these Rules and Regulations.
- h. Charges for service shall include overhead costs, as specified by the County Administrator, in addition to labor and equipment.
- i. The Director of MSD will report to the County Administrator all actions taken by MSD under the provisions of this policy prior to the next meeting of the Board of County Commissioners.

ARTICLE XIX

INSPECTION OF CONSTRUCTION

Section 1901 Inspection and Testing of Building Sewers

All building sewers that connect either directly or indirectly into the wastewater treatment system under the management of the District shall be inspected by and subject to testing under the supervision of the District or its designated representatives.

Section 1902 Inspection and Testing of Sewers

All sewers which will connect either directly or indirectly into the wastewater treatment system under the management of the District and which are to be constructed by any person shall be inspected by and subject to the testing under the supervision of the District or its designated representatives.

Section 1903 Inspection Fees

The cost of all inspection performed by the District shall be in accordance with Article 25 of these Rules and Regulations, and shall be borne by the person responsible for the sewer construction. Said person is required to deposit with the District a sum of money, payable to the City Treasurer, in an amount to be determined by the Director for each application, before any construction can commence. The Director will require additional deposits to this fund if the original deposit proves inadequate.

When the District certifies that no further field engineering service will be required for the improvement, the Director will prepare a voucher in favor of the Depositor refunding any balance remaining in his account.

Section 1904 Acceptance of Facilities

No sewer shall be acceptable to or accepted by the Board without the Director's written approval.

ARTICLE XX

MAINTENANCE OF THE WASTEWATER TREATMENT SYSTEM

Section 2001 Public Sanitary Sewers in Municipalities

All public sanitary sewers, which are located within any municipality which has adopted the proper ordinances, and which are accepted for maintenance and operation by Resolution of the Board shall be maintained and operated by the District.

Section 2002 Public Combined Sewers in Municipalities

All existing public combined sewers, which are located within any municipality which has adopted the proper ordinances, and which are accepted for maintenance and operation by Resolution of the Board shall be maintained and operated by the District. Catch basins, inlet structures, inlet connections and other appurtenances used for the purpose of conveying storm waters to combined sewers and which are located within any municipality may be maintained and operated by the District only upon execution of a written agreement by the municipality, the Board and the City of Cincinnati. The cost of such work shall be at the expense of the municipality.

Section 2003 Public Sanitary Sewers in Unincorporated Areas

All public sanitary sewers that are located within the unincorporated areas of the District shall be maintained and operated by the District.

Section 2004 Public Combined Sewers in Unincorporated Areas

All existing public combined sewers (excluding stormwater facilities such as catch basins, inlet structures, inlet connections and other storm water appurtenances) which are located within the unincorporated areas of the District shall be maintained and operated by the District.

Section 2005 Wastewater Lift Stations and Wastewater Treatment Plants

All wastewater lift stations and wastewater treatment plants constructed by the District shall be maintained and operated by the District.

Section 2006 Wastewater Lift Stations and Wastewater Treatment Plants

All wastewater lift stations and treatment plants constructed by any person and approved by the District and which are properly conveyed to and accepted by the Board shall be maintained and operated by the District.

Section 2007 Storm Structures

No watercourses, storm sewers, or detention basins shall be maintained by the District.

Section 2008 Maintenance and Repair of Building Sewers

The owner of the premises served by a sewer shall be responsible for the maintenance and cleaning of the building sewer from the building to the point of connection with the public local sewer. Repair and reconstruction of the building sewer in a public street right-of-way or within the specified width of a recorded public easement shall be the responsibility of the District except as follows. Prior to commencing any repairs, the owner must provide the District with requested property access rights needed to make the repair. Where a building or structure is located over a sewer or within the public easement, repair of the building sewer shall be the owner's responsibility. For public sewers located on private property where no easement width is defined, the District will be responsible for making repairs for that portion of the building sewer within 5 feet of the centerline of the sewer. It shall be the responsibility of the owner or his agent to establish, by means of a valid sewer cleaner contractor's receipt, that such a repair or reconstruction is the responsibility of the District. The District shall have the right to verify the sewer cleaner's finding prior to beginning repair or reconstruction. A proper clean out must be in place prior to such operation by the District.

A proper clean out, inside the building, is defined as 18" or less off the floor, has a 4" inch opening or larger (6-inch preferred), a wye-type connection to the building lateral, is readily accessible with a cap or plug to the clean out that can be easily removed using standard plumbing tools.

If the length (the distance from the building to the public sewer) of the building lateral exceeds 100', a clean out shall be installed to allow cleaning and inspection. The clean out shall be located on private property and maintained by the property owner.

Section 2009 Private Sewers

It shall be the obligation of the owner to properly maintain private sewer mains and laterals on private property. Sewers which have structurally failed or sewers which are defective and allow excessive inflow, infiltration or surrounding earth materials to enter the downstream public sewer shall be repaired promptly upon finding such deficiencies or upon notification by the District. Any person who fails to make a proper repair, within 90 days of being notified, shall be subject to a fine or fines in accordance with Section 2201 of these Rule and Regulations.

ARTICLE XXI

POWERS AND AUTHORITY

Section 2101 Right of Entry

The Director and other duly authorized employees and agents of the District bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of surveying, inspection, observations, measurement, smoke and dye testing, sampling and testing of all wastewater treatment works under the management of the District and the wastewater discharges thereto.

Section 2102 Terms of Easement

The Director and other duly authorized employees and agents of the District bearing proper credentials and identification shall be permitted to enter all private properties for the purpose of surveying, inspection, maintenance, operation, repair, smoke and dye testing, and reconstruction of any portion of the wastewater treatment system under the management of the District subject to the terms of the easement.

Section 2103 Private Sewers

All private sanitary and combined sewers which discharge into public sewers in the District shall be controlled by the Director but maintained and operated by their owners.

The Director and other duly authorized employees of the District bearing proper credentials and identification shall be permitted to enter upon all properties containing a private sanitary or combined sewer for the purpose of surveying, inspection, observation, measurement, sampling and testing of all wastewater and/or private wastewater facilities which connect either directly or indirectly into the wastewater treatment system under the management of the District. In accordance with Section 1806 of these Rules and Regulations, the Board may accept for maintenance and operation any private sewer which meets the District's standards for same and for which a proper easement is dedicated to the Board.

Section 2104 Violation

Upon a finding that a discharge of wastewater has been taking place in violation of these Rules and Regulations, Director's order, or wastewater source control requirements, effluent limitations or pretreatment standards, or the provisions of a Wastewater Discharge Permit, the Director may require the User to submit for approval, with such modifications as the Director deems necessary, a detailed time schedule of specific actions which the User shall take in order to either prevent the discharge or correct the violation of requirements resulting therefrom.

Section 2105 Cease and Desist Order

When the District finds that a discharge of wastewater has taken place, or threatens to take place, in violation of these Rules and Regulations or of the provisions of a Wastewater Discharge Permit issued under the provisions of Article XV, the Director may issue an order to cease and desist, and direct that those persons not complying therewith shall:

- A. Comply forthwith.
- B. Comply in accordance with a time schedule set forth by the Director, or
- C. Take appropriate remedial or preventive action in the event of a threatened violation.

Section 2106 Revocation of; Termination of Service

The Director may revoke any Wastewater Discharge Permit, or permit issued pursuant to Article XIV, or terminate or cause to be terminated wastewater treatment system service to any premise, if a violation of any provision of these Rules and Regulations is found to exist or if a discharge of wastewater causes or threatens to cause a condition of contamination, pollution, or nuisance as defined in these Rules and Regulations. This provision is in addition to other statutes, rules, or regulations, authorizing termination of service for delinquency in payment. Revocation of a permit is sufficient grounds for termination of service.

Section 2107 Levy of Charges

When a discharge of wastes by any User causes an obstruction of, or damage or any other impairment to, a wastewater treatment works, the District is authorized to levy a charge against said User for the cost of the work required to clear and/or repair the wastewater treatment works affected by said discharge. The District may add such charge to the User's usual WTS service charges, surcharges, and fees or issue a separate bill. The District may also certify amounts not timely paid to the County Auditor for collection in accordance with Section 6117.02, Ohio Revised Code.

Section 2108 Rejection of Wastes; Additional Requirements

If any waters or wastes are discharged or are proposed to be discharged to the wastewater treatment system, which waters contain the substances or possess the characteristics enumerated in Sections 1513 through 1518 of these Rules and Regulations, and which in the judgment of the Director, may have a deleterious effect on the aforesaid system or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Director may:

- A. Reject the wastes.
- B. Require pretreatment to an acceptable condition for discharge to the wastewater treatment system.
- C. Require control over the quantities and rates of discharge.
- D. Require payment to cover the added costs of handling, treating, and disposing of the wastes not covered by the wastewater treatment system Service Charge.

No provision of this Section 2108 shall be construed as authorizing a violation of or a variance from National Categorical Pretreatment Standards.

Section 2109 Injunctive Relief

Either as an alternative to any procedure established in these Rules and Regulations or as an enforcement action thereunder, the Director may seek injunctive relief to restrain the violation, or attempted violation, of any provision of these Rules and Regulations.

Section 2110 Authority of Director

No statement contained in these Rules and Regulations shall be construed as preventing any special agreement or arrangements between the Director and the developer, or as preventing the Director from stopping issuance of additional permits or revoking outstanding permits should conditions warrant such action in the opinion of the Director; provided that no special agreement or arrangement shall authorize a violation of or a variance from National Categorical Pretreatment Standards.

Section 2111 Special Agreements

No statement contained in these Rules and Regulations shall be construed as preventing any special agreement or arrangement between the Director and any person whereby an industrial waste of unusual strength or character may be accepted by the District for treatment, subject to payment therefore; provided that no special agreement or arrangement shall authorize a violation of or a variance from National Categorical Pretreatment Standards.

Section 2112 Conflicting Provisions

In cases where two or more provisions of these Rules and Regulations apply to the same set of circumstances and said provisions are neither complementary nor supplementary but are conflicting, the most stringent provision shall apply.

Section 2113 Enforcement

The Director shall be responsible for the enforcement of these Rules and Regulations and shall have authority to serve notices of violation thereof; to issue orders including without limitation Compliance Orders, Consent Orders, and Cease and Desist Orders; to impose penalties as authorized therein, and assess and require payment for consequential damages; to establish limits for the discharge of toxic or objectionable substances; and shall have any other powers or authority necessary and proper for the enforcement and the achievement of the goals of these Rules and Regulations.

Section 2114 Amendments

The Board reserves the right to amend these Rules and Regulations at any time and in any manner and to establish more stringent limitations or requirements where deemed necessary to comply with the objectives set forth in the Introduction to these Rules and Regulations.

Section 2115 Non-limitation

The enumeration of powers and authority herein shall not be in limitation of any other powers and authority that the Director, the District, or the Board may have the right to exercise.

ARTICLE XXII

PENALTIES

Section 2201 Noncompliance

The Director may impose a civil penalty of up to \$100 per violation, or such other fines and penalties as are authorized by these Rules and Regulations upon any person who fails to comply with any provision of these Rules and Regulations.

All fines and penalties authorized by these Rules and Regulations shall be in conformity with applicable law and shall be in accord with fines or fine ranges approved by the Board.

Section 2202 Industrial Waste Violations

The Director may impose a civil penalty as set forth in Sections 2203 and/or 2204 of this Article upon any person who violates Section 409 of Article IV or any provision of Articles XIV or XV of these Rules and Regulations or any permit condition, effluent limitation, or pretreatment or toxicity standard, issued or established by the Board to implement these Rules and Regulations.

Section 2203 Penalty

The Director may impose a civil penalty not to exceed \$10,000, upon any person, firm, partnership, or corporation who violates Section 409 of Article IV or any provision of Articles XIV or XV of these Rules and Regulations or any permit condition, or who violates any cease and desist order, prohibition, effluent limitation, or pretreatment or toxicity standard, issued or established to implement these Rules and Regulations. The Director may also require forfeiture of bonds. Each day in which a violation occurs shall be considered a separate violation.

Any such penalty imposed shall not be construed as liquidated damages, and shall accrue in addition to any liability for any consequential damages resulting from the violation for which the penalty is imposed. Consequential damages shall include, but not be limited to, fines and penalties imposed upon the District, the City, or the Board by other public authorities.

Section 2204 pH Violations

The Director may impose the penalties established by the Board for pH ranges and periods of flow as set forth in Table 2204-1, and penalties according to Section 2203 for pH Excursion Levels and Frequencies of Excursion greater than the Frequencies set forth in Table 2204-2 upon a User for the discharge to the wastewater treatment system of wastewater in violation of Section 1518(F).

Each occurrence for a range and period listed in Table 2204-1 shall be a separate violation so long as the period for that occurrence contains no element of time in common with the period for any other occurrence charged as a violation in accordance with the Standards of Table 2204-1.

Table 2204-1

pH Range (Standard Units)	Continuous Period of Flow (Minutes)	Penalty Amount (Dollars)
Less than 6.0	60	\$100.00
Less than 5.0	30	\$200.00
Less than 4.0	15	\$300.00
Less than 3.0	10	\$400.00
Less than 2.0	3	\$500.00
More than 10.0	120	\$100.00
More than 11.0	45	\$200.00
More than 12.0	15	\$300.00
More than 13.0	10	\$400.00

As used in this Section Excursion shall mean an occurrence wherein a wastewater pH changes in magnitude from a value within or closer to the range of 6.0 to 10.0 Standard Units to a value outside or further from that range, whether toward a lower pH or a higher pH. The Frequency of Excursion shall mean the number of Excursions in any interval of eight consecutive hours. Violations of the standards for Excursion set forth in Table 2204-2 shall be cumulative even if containing common elements of time.

Table 2204-2

pH Excursion Level (Standard Units)	Allowable Frequency of Excursion (Events in 8 Hours)
Less than 6.0	No Limit
Less than 5.0	6
Less than 4.0	4
Less than 3.0	3
Less than 2.0	2
More than 10.0	No Limit
More than 11.0	4
More than 12.0	3
More than 13.0	2

Section 2205 Criminal Liability

Any person who intentionally violates Section 409 of Article IV or any provision of Article XV of these Rules & Regulations or any permit condition, cease and desist order, prohibition, effluent limitation, or pretreatment or toxicity standard, issued or established to implement these Rules & Regulations, shall be criminally liable upon conviction for a sum not to exceed \$25,000.00, for each day in which such violation occurs, or to imprisonment for not more than six (6) months, or both.

Section 2206 Failure to Obtain Permit

The Director may impose an administrative penalty of up to \$1,000.00 per violation upon any person who violates Section 1201, Article XII by failing to obtain a permit for making any connection with, altering, or disturbing a public or private sanitary or combined sewer or appurtenance thereof, in addition to such other fines, fees, tap-in-fees, and penalties as are authorized by these Rules and Regulations.

It shall be the obligation of the person causing the violation to expose the work area or provide proof, to the satisfaction of the District that the work was done in accordance with these Rules and Regulations. The Director may revoke the Sewer Tapper's License, cause the forfeiture of the Sewer Tapper's bond, or both, for failure of the violator to cooperate.

Section 2207 Clean Water Violation

Any person who violates Section 1201a, Article XII by allowing clean water to enter a sanitary sewer system building lateral or appurtenance thereof shall be subject to a fine of up to \$25,000 per violation in addition to any liability for any consequential damage resulting from the violation for which the penalty is imposed. Consequential damages shall include, but not be limited to, fines and penalties imposed upon the District, or the Board by other public authorities.

ARTICLE XXIII

ADMINISTRATIVE ENFORCEMENT, PRACTICES AND PROCEDURES

Section 2301 Notice of Violation: Administrative Complaint and Proposed Action

- A. A Notice of Violation or Noncompliance ("NOV") shall mean a written notice from the District to a User which identifies the date, time, nature, and details of a violation of these Rules and Regulations or conditions of a permit issued under Article XV of these Rules and Regulations to a User. The District shall send a NOV to the User as expeditiously as possible after the District first receives information that such violation has occurred. If a prolonged time period elapses (in excess of 45 days) before a User receives an NOV, the User may present that fact as a mitigating circumstance in any subsequent enforcement action brought by the District. A User shall respond to an NOV in writing on a form provided by the District, eliciting information which may include the source of the violation, measures taken to prevent recurrence, rebuttal, explanation or other pertinent facts. As a result of such information, the District may modify, amend or withdraw a NOV.
- B. An Administrative Complaint and Proposed Action ("Proposed Action") shall mean a written notice from the District to a User which (i) identifies the NOV(s) issued by the District to the User which form the basis for the Proposed Action or otherwise identifies a violation of these Rules and Regulations, (ii) sets forth any proposed action, including but not limited to monetary charges or penalties, and the date upon which such proposed action shall become final, (iii) informs the User of its rights under this Article XXIII to request a settlement conference, request an administrative appeal, or request a judicial appeal, and (iv) is sent by the District to the User via certified mail.
- C. Effective Date. Except for cease and desist orders or other extraordinary action of the Director taken pursuant to these Rules and Regulations, no Proposed Action shall become effective until after the expiration of the thirtieth (30th) day after receipt by User of the Proposed Action. If the User requests a settlement conference, pursuant to Section 2302 of these Rules and Regulations, the Proposed Action shall be stayed pending the issuance of the Director's Final Action pursuant to Section 2303 of these Rules and Regulations. If no request for a settlement conference is made by the User, the Proposed Action shall become the Director's Final Action automatically upon the effective date set forth in the Proposed Action.

Section 2302 Settlement Conferences

2302-1 Request for Settlement Conference

Upon receipt of a Proposed Action, the User shall be entitled to request a settlement conference with the District, provided that the User notifies the Director that it is exercising its right by delivering to the Director a written request for a settlement conference. The requests must concisely state each issue in dispute and must be sent to the Director via certified mail, postmarked no later than fourteen (14) days after the User's receipt of the Proposed Action.

2302-2 Informal Settlement Conference

As soon as convenient for the User and the District, the settlement conference shall be held. The purpose of this informal meeting shall be to share information and points of view in an attempt to resolve matters in dispute, which are the subject of the Proposed Action. In lieu of a conference, the User may submit a written response to the Proposed Action. The Superintendent of the Division of Industrial Waste (or other Division, when the matter in dispute does not involve industrial waste), or his/her staff, will represent the District in the settlement conference. One or more individuals familiar with the issues in dispute shall represent the User. The settlement conference will not be transcribed and statements made and information provided by the User and the District will not be admissible in any subsequent administrative or judicial proceeding. It is the policy of the District to encourage settlement and to resolve disputes if settlement is consistent with the provisions and objectives of these Rules and Regulations and applicable law.

Section 2303 Director's Final Action

The Director's Final Action shall be the final administrative order with respect to any Proposed Action. If no settlement conference has been requested, it shall take effect according to the provisions of Section 2301(C) of these Rules and Regulations. If a settlement conference has been requested and conducted, the Director shall, upon consideration of all available facts, promptly issue a Final Action; such Final Order will be effective upon the Director's signature. In the interests of economy and efficiency, the issuance of a Final Order may be delayed for no more than ninety (90) days, for the purpose of allowing the Director to consolidate some or all Proposed Actions pending against the same User. The fact that the Director may not have consolidated some or all Proposed Actions shall not operate as a waiver or release of any such Proposed Action(s). The Director's Final Action shall (i) identify the date, time, nature, and details of all violations found, (ii) specify the final administrative action ordered, including but not limited to the achievements and maintenance of compliance with applicable laws and regulations immediately or in accordance with a compliance plan and time schedule, payment of penalties, and/or payment of stipulated penalties upon violation of any order, (iii) inform the User of its rights under this Article XXIII to an administrative appeal or a judicial appeal, and (iv) be sent to the User via certified mail. A summary of the Director's Final Action shall be published in the *City Bulletin* of the City of Cincinnati.

Section 2304 Administrative Appeal

2304-1 Notice of Appeal

Upon receipt of a Director's Final Action, or upon the effective date of such Final Action if it became effective automatically pursuant to Section 2301(C), the User shall be entitled to an administrative appeal of such Final Action, provided that the User notifies the Director that it is exercising its right by delivering to the Director a written notice of appeal. This notice of appeal must concisely state each issue in dispute and must be sent to the Director via certified mail, postmarked no later than thirty (30) days after (i) User's receipt of the Final Action or (ii) the effective date of the Final Action, whichever is later.

2304-2 Hearing Examiner

Administrative Appeals brought under Section 2304 of these Rules and Regulations shall be heard and decided by a hearing examiner nominated by the City Manager and approved by the County Administrator. A hearing examiner shall be appointed solely with regard to his or her qualifications for the duties of the office, and shall have such training or experience as will qualify the hearing examiner to conduct administrative or quasi-judicial hearings involving discretionary review hearings and administrative decisions and findings. In addition, the hearing examiner shall have expertise and experience in the field of

regulation in which the hearing examiner is to exercise authority. The hearing examiner may employ scientific, engineering or other technical assistants necessary to adequately adjudicate a pending appeal.

2304-3 Procedure

The Administrative Appeal heard under Section 2304 of these Rules and Regulations shall be conducted in accordance with the following procedural guidelines:

A. General Duties.

Hearing examiners shall review and examine all information, conduct public hearings, prepare records thereof, enter findings, conclusions, and orders in cases assigned to the examiner for decision or review, in accordance with the procedures set forth herein and with all other applicable laws, ordinances and regulations.

B. Freedom From Improper Influence.

No person shall interfere with, attempt to interfere with, or improperly influence or attempt to improperly influence a hearing examiner in the performance of the duties of office.

An examiner shall not conduct or participate in any hearing or decision in which the examiner or any of the following persons has a direct or substantial financial interest: a spouse, brother, sister, child, parent, or in-law of the examiner, or business firm or organization in which the examiner has a substantial interest. The examiner shall promptly report to the County Administrator any attempt at interference or improper influence or any actual or potential conflict prior to such hearing.

Wherever it may be shown to the satisfaction of the appropriate appellate authority that an examiner was subjected to improper influence, interference or interest, such improper influence, interference or interest shall be grounds for vacating any decision made by the examiner in such proceedings.

C. Ex Parte Communications Prohibited.

No party or other person participating in any proceeding before a hearing examiner shall communicate by any means with the examiner regarding that proceeding other than at a public hearing, or at a pre-hearing conference at which all interested persons have been given notice or by mail with copies sent to all other parties and interested persons. This provision shall not prohibit communication between an examiner and any member of the administration assigned to assist or give legal counsel to the examiner in the pending proceeding.

D. Public Hearings.

The hearing examiner shall conduct a public hearing on all appeals whenever so authorized by these Rules and Regulations or other applicable laws and regulations. When the respective filing requirements of the applicable laws, rules, and regulations have been met, a date shall be assigned by the examiner for public hearing. The hearing shall be held within 30 days after the filing of the notice of appeal, unless otherwise provided in the applicable law, rule or regulation, or the delay is agreed to by all parties to the proceeding or is necessary in the interest of justice. The examiner

may conduct such pre-hearing conferences as the examiner shall deem necessary or desirable upon notice to all interested persons. The right of cross-examination of witnesses shall be afforded only to counsel for the parties of record.

E. Reconsideration.

Any party or intervenor may request reconsideration of that decision by the examiner. The request shall be filed in writing with the examiner within seven days of the date of mailing of the original decision and set forth with particularity the alleged errors. The party requesting reconsideration shall serve copies of the request upon all other parties of record. Within 30 days of receipt of the request for reconsideration and after review of the record and consideration of such additional evidence as the examiner may in his or her discretion admit, the examiner shall affirm, modify or reverse the earlier decision. No decision shall be subject to reconsideration more than once.

In addition, the administrative appeal shall be heard in a manner and according to procedures not inconsistent with the administrative procedures set forth in Ohio Administrative Code 3745-47-11, Filing of papers and service requirements; 3745-47-15, Intervention; 3745-47-16, Rights of a dismissed party and of a person denied permission to intervene; 3745-47-17, Motions; 3745-47-18, Continuances; 3745-47-19, Pre-hearing conferences; proceedings prior to adjudication hearing; 3745-47-21, Adjudication hearing procedures; 3745-47-23, Burden of proof; 3745-47-25, Record; 3745-47-30, Rules of ethics, provided that any party may obtain discovery or protection from discovery in the same manner and to the same extent as is prescribed in the Ohio Rules of Civil Procedure.

2304-4 Decision

The hearing examiner shall promptly issue a decision after the close of the hearing, which decision shall (i) address all issues in dispute (ii) be in writing, and (iii) be delivered via certified mail to the User and the District.

2304-5 Waiver of Administrative Appeal

The User may waive its right to an Administrative Appeal pursuant to this Section 2304 and proceed, instead, with a judicial appeal of the Director's Final Action by filing a notice of appeal to the Hamilton County Court of Common Pleas pursuant to Ohio Revised Code Chapter 2506 and any other remedy of appeal provided by law. Issues of Joinder or Intervention shall be determined in accordance with the Ohio Rules of Civil Procedure, and other applicable law.

2304-6 Stay of Effective Date

Upon the filing of a notice of appeal pursuant to Section 2304-1 or Sections 2304-5 and 2305, the Director's Final Action, with respect to monetary penalties only, shall be stayed pending the final decision of the hearing examiner or court. At any time during the pendency of an administrative or judicial appeal, the District, User or Intervener may apply to the hearing examiner or court for an order suspending or modifying the stay. For good cause shown, the stay shall be suspended or modified.

Section 2305 Judicial Appeals

In addition to the rights afforded to the User under Section 2304-5 of these Rules and Regulations, nothing herein shall be interpreted to limit, and these Rules and Regulations specifically do not limit, the right of the User, Intervener or District to appeal any decision of the hearing examiner under Section 2304-4 to the Court of Common Pleas of Hamilton County, Ohio.

Section 2306 Penalty Payments

Any monetary penalty ordered as part of the Director's Final Action (and subsequently affirmed if appealed) shall be paid to the District within thirty (30) days after the later of the (i) effective date of the Director's Final Action, (ii) the date when the User receives the Director's Final Action, (iii) the date when the User receives the final decision of the hearing examiner pursuant to Section 2304-4, or (iv) the date of subsequent judicial affirmance. The District may accept payment in installments and may submit a separate bill or may add the amount to the User's sewer bill. The District may also certify amounts not timely paid to the County Auditor for collection in accordance with Ohio Revised Code 6117.02.

Section 2307 Civil Proceedings, Injunctive Action

Nothing herein shall be interpreted to limit, and these Rules and Regulations specifically do not limit, authority granted to the City Solicitor of the City of Cincinnati and the Prosecutor of Hamilton County, Ohio under the Cincinnati Municipal Code and/or the Ohio Revised Code to institute civil proceedings at any time in the name of the District to enjoin any person from violating these Rules and Regulations and/or the Cincinnati Municipal Code and/or the Ohio Revised Code, or seek other relief as afforded thereunder, without first exhausting any other remedy.

ARTICLE XXIV

ADMINISTRATIVE RULES

Section 2401 Administrative Rule No. 1

Payment will be made to the City of Cincinnati upon authorization of the County Administrator or his designee only for services specifically identified in the 1968 agreement between the City of Cincinnati and Hamilton County. General overhead expenditures incurred by the City in the administration of the MSD constitute services for which no compensation will be made pursuant to Section X of the agreement.

(Note: Administrative Rule No. 1 was superceded and invalidated by the 1997 Agreement which set up a process for determining overhead charges by both the City and the County. The indirect overhead cost formula is based on OMB Circular A-87.)

Section 2402 Administrative Rule No. 2

The City of Cincinnati will follow the Hamilton County adopted Purchasing Policy without exception when purchasing goods and services and in entering into any contracts. Any exception in following the county purchasing policy must be authorized by the Board of County Commissioners by resolution.

In the performance of sewer repair work, the District shall follow the guidelines of Section 307.86 of the Ohio Revised Code, which delineates competitive bidding requirements. In addressing those circumstances falling under paragraph (A), which outlines certain exceptions to competitive bidding requirements, the County Administrator may make a determination that a real and present emergency exists, thereby precluding the requirement for a competitive bid. The County Administrator may delegate some or all of this authority to the Director of MSD.

ARTICLE XXV

FEES, CHARGES, PENALTIES, CREDITS

Section 2501 Fees and charges; annual adjustments

The following table lists fees charges and penalties listed in these Rules and Regulations. Certain fees and charges will be adjusted for inflation annually. The annual adjustments will be made on January 1, beginning with January 1, 2002. The adjustment will be calculated based on the September Engineering News Record Construction Cost Index (ENR CCI) for Cincinnati, Ohio. The calculation will be made as follows: the currently effective fee or charge will be multiplied by the ratio of the current year's September ENR CCI to the ENR CCI for September, 2000 (5907.06), rounded to the nearest \$10. The table contains notations as to whether specific fees and charges are subject to this annual adjustment.

Table 2501-1

section	service; item	1/1/2001 charge	subject to annual adjustment
401	penalty for failure to remove clean water connection	\$100/day	no
1007	fee for preparation of as-built drawings	\$250 for first 2 segments; \$50 each additional segment	yes
1212	sewer tapper license fee	\$100	yes
1215	sewer tap-in fee	\$480 or \$2500 or higher depending on size of water meter	yes
1403	holding tank discharge permit fee	\$100 / vehicle	yes
1404	holding tank waste disposal fee	\$35/1000 gallons holding tank capacity	yes
1538	pretreatment monitoring fees	actual cost of monitoring	no
1540	one-time discharge permit fee	\$225 each	yes
1604	penalty for delinquent reporting of add meter readings	\$10 / day for each day delinquent	no
1809	Construction inspection fee	\$50 / hour	yes
2107	charge for the cost of work to clear and/or repair an obstruction of, or damage or any other impairment to, a wastewater treatment works	actual cost of repair	no
2201	penalty for violations of R&R	\$100 / violation	no
2203	penalty for violations of section 409, article XIV or article XV	\$10,000 maximum per violation	no
2204	penalty for pH violation	\$100 - \$500	no
2205	criminal liability	\$25,000 per day	no
2206	penalty failure to obtain permit	\$1000 / violation	no
2207	penalty clean water violation	\$25,000 / violation plus consequential damages	no

Section 2502 Annual adjustment of assessment credit

The following credit will be adjusted for inflation annually on January 1, beginning with January 1, 2002. The adjustment will be calculated based on the September Engineering News Record Construction Cost Index (ENR CCI) for Cincinnati, Ohio. The assessment credit shall be multiplied by the ratio of the current year September ENR CCI to the ENR CCI for September, 2000 (5907.06), rounded to the nearest \$100.

section	Service	1/1/2001 charge	subject to annual adjustment
1216	assessment credit	\$5,400 maximum	yes

ARTICLE XXVI

VALIDITY

Section 2601 Conflicts

All resolutions and ordinances, or parts thereof, in conflict herewith are hereby repealed.

Section 2602 Individuality

If the provisions of any paragraph, section or article of these Rules and Regulations are declared unconstitutional or invalid by the final decision of any court of competent jurisdiction, the provisions of the remaining paragraphs, sections or articles shall continue in full force and effect.

ARTICLE XXVII

RIGHTS PRESERVED

Section 2701

Nothing in these Rules and Regulations shall constitute, or be construed as, a waiver, release, abandonment, or estoppel from an assertion, on the part of the Board or the City, of any rights, privileges or immunities conferred by the laws or the constitutions of the State of Ohio or the United States of America.

ARTICLE XXVIII

RULES AND REGULATIONS IN FORCE

Section 2801

These Rules and Regulations shall be in full force and effect on and after March 1, 2001.

ADOPTED by the Board of County Commissioners of Hamilton County, Ohio, on the 24th day of January, 2001.

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