ORDINANCE NO. 2012-261

SPONSOR Mr. Pry

DATE June 25, 2012 COMMITTEE Public Works

An Ordinance amending Section 925.32 of the Codified Ordinances of the County of Summit to authorize the Director of the Executive’s Department of Environmental Services to require any or a combination of the U.S. Environmental Protection Agency’s approved testing methods in pollutant analyses for the County’s wastewater discharge permit applications or reports, for the Executive’s Department of Environmental Services, and declaring an emergency.

WHEREAS, Section 921.05(b)(12) of the Codified Ordinances of the County of Summit prohibits any water or wastes containing free oils, emulsified oils and/or grease exceeding an average of one hundred parts per million of hexane soluble matter, or insufficient amounts to cause pass through or interference; and

WHEREAS, Section 925.32 of the Codified Ordinances of the County of Summit, user must submit information on the nature and characteristics of its wastewater, as requested by the Director of Environmental Services, in accordance with the techniques prescribed in 40 C.F.R. Part 136, as amended; and

WHEREAS, the Ohio Environmental Protection Agency has conducted a Pretreatment Audit Inspection Report and has determined that the County’s Codified Ordinances must grant to the Director of the Executive’s Department of Environmental Services (“Director”) specific authority to conduct testing to determine if the levels of oil and grease introduced in the County’s sanitary sewer system are being exceeded by sanitary sewer customers. The current language of Section 925.32 does not specifically authorize the Director to use discretion in requiring the various testing methods of pollutant analyses; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the County of Summit to amend Section 925.32 to authorize the Director to require any method or combination of methods of testing approved under 40 C.F.R. Part 136;

NOW, THEREFORE, BE IT ORDAINED by the Council of the County of Summit, State of Ohio, that:

SECTION 1

Section 925.32 of the Codified Ordinances of Summit County is hereby amended as follows:
SECTION 1 (cont’d.)

“925.32 WASTEWATER ANALYSIS.

(a) When requested by the Director, a user must submit information on the nature and characteristics of its wastewater within ninety (90) calendar days of the request. The Director is authorized to prepare a form for this purpose and may periodically require users to update this information.

(b) All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 C.F.R. Part 136, as amended, unless otherwise specified in an applicable categorical pretreatment standard. The Director is authorized to require, at his or her discretion, one or all of the approved techniques as set forth above. If Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the OEPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Director or other parties approved by OEPA.”

SECTION 2

This Ordinance is hereby declared an emergency in the interest of the health, safety and welfare of the citizens of the County of Summit and for the further purpose to immediately facilitate discretion to the Director in determining the testing required, in order to better protect the County’s sanitary sewer system, as set forth above.

SECTION 3

Provided this Ordinance receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

SECTION 4

It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.
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INTRODUCED  June 18, 2012
ADOPTED  June 25, 2012

CLERK OF COUNCIL

APPROVED  June 26, 2012

EXECUTIVE

ENACTED EFFECTIVE  June 26, 2012

Voice Vote: 11-0. YES: Comunale, Crawford, Feeman, Kostandaras Kurt, Lee, Prentice, Rodgers, Roemer, Schmidt, Shapiro