

15-381

EXHIBIT A

923.05 TAP-IN FEE.

(a) All users in the Summit County Metropolitan Sewer District shall pay a tap-in fee prior to connection to the sanitary sewer system.

(Ord. 2006-550. Adopted 12-18-06.)

(b) The applicable tap-in fee shall be charged for each gallon per day discharged to the sanitary sewer system in accordance with the flow estimation procedures specified in Section 923.01(d) or the minimum, per the following schedule:

Charge and Customer Type	Effective April 1, 2015
Tap In Fee (\$ per gallon per day)	
Customer's Contributing Flow to DOES WWTP's	8.18
Minimum Tap In Fee	3,270
Customer's Contributing Flow to Non- DOES WWTP's	4.91
Minimum Tap In Fee	1,960

Water consumption shall not be used to estimate sewage discharge for the purpose of calculating the tap-in fee unless no other method is available and provided that such water consumption is augmented to account for normal infiltration and inflow into the sewer system.

(c) If, at any time, a user's estimated sewage flow gallons per day exceeds, or is expected to exceed, an amount previously paid for under subsections (a) and (b) of this section by one or more benefits as defined in section 920.02(a)(11) of this title, the user shall pay a fee, in accordance with the provisions of subsection (b) of this section, for all estimated sewage flow gallons equaling and exceeding one benefit.

~~(e)-(d)~~ The Director of the Department of Environmental Services may establish procedures for ~~three two (32)~~ tap-in fee extended payment programs enabling:

~~(i) financially disadvantaged residents and charitable agencies and public institutions the option of placing the tap-in fee on their property tax duplicate, without interest, for a period not to exceed five (5) years; and~~

~~(ii) charitable agencies and public institutions the option of placing the tap-in fee on their property tax duplicate, without interest, for a period not to exceed five (5) years; and~~

~~(iii) Community Development Block Grant (CDBG) recipients the option of placing the tap-in fee on their property tax duplicate, without interest, for a period not to exceed twenty (20) years. All tap-in fees approved for the extended payment programs shall be certified to the County Auditor as provided by law and placed on the tax list and duplicate, without interest, and collected as other taxes are collected for no more than five (5) years, payable in equal semiannual installments.~~

(e) All tap-in fees approved for the extended payment programs under subsection (c) of this section shall be certified to the County Auditor as provided by law and placed on the tax list and duplicate, without interest, and collected as other taxes, payable in semi-annual installments for:

(i) no more than five (5) years for financially disadvantaged residents and charitable agencies and public institutions; or

(ii) no more than twenty (20) years for CBDG recipients.

~~(d)~~(f) The Director may establish procedures for a tap-in fee extended payment program enabling multiple residential, commercial and industrial users the option of placing part of their sewer tap-in fee on their property tax duplicate, without interest, for a period not to exceed two (2) years. The tap-in fee extended payment program shall apply to users who are charged a tap-in fee in excess of four (4) benefits, and shall require payment of one-third (1/3) of the amount at the time of application with the outstanding balance being placed on the property tax duplicate. That part of the tap-in fee placed on the tax duplicate shall be certified to the County Auditor as provided by law and placed on the tax list and duplicate, without interest, and collected as other taxes are collected for no more than two (2) years, payable in equal semiannual installments.

920.02 DEFINITIONS.

(a) The following definitions shall apply to Part Nine, Title Five - Sewers and Wastewater, Chapters 921, 923, 925 and 927; unless the context clearly indicates or requires a different meaning:

(1) "Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, 33 U.S.C. Sections 1251 - 1387, as amended.

(2) "Administrative order". (See "Order").

(3) "Applicable pretreatment standard" means the pretreatment limit or prohibitive standard, Federal and/or local, deemed to be the most restrictive, with which nondomestic users are required to comply.

(4) "Approval Authority" means the Ohio Environmental Protection Agency.

(5) "Authorized or Duly Authorized Representative of the User" means either:

A. If the user is a corporation:

1. The president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or

2. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

B. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

C. If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.

D. The individuals described in subsections (5)A. through C. above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the

company, and the written authorization is submitted to the County.

(6) "Average monthly discharge limitation" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during the month.

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

(8) "Background concentrations" means the domestic background concentration found in wastewater originating from residential and commercial areas. Additionally, discharges from nonsignificant dischargers are included. The background concentration of a pollutant is determined by the County.

(9) "Background pollutants" means low strength compatible pollutants and low concentrations of commercially used chemicals found in wastewater from exclusively commercial and residential areas.

(10) "Beneficial user" means, but is not limited to, domestic, municipal, agricultural and industrial use, 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 and intangible, as specified by State or Federal law.

(11) "Benefit" means a sewage or wastewater discharge of 400 gallons per day which is the estimated flow from a single-family dwelling.

(12) "Best Management Practices or BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 C.F.R. Sections 403.5(a)(1) and (b). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means of compliance, i.e., management plans, in place of certain established categorical pretreatment standards and effluent limits

(13) "Billed discharge" means the total volume of sewage or waste discharged to the sewage system as measured or estimated by the Director of Environmental Services.

(14) "Biochemical oxygen demand or BOD or BOD5" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at twenty (20) degrees centigrade usually expressed as a concentration, e.g. milligrams per liter (mg/l).

(15) "Building drain" means all piping within a building which collects wastewater to be conveyed to the private sewer lateral. The building drain and private sewer lateral connection point is three (3) feet measured perpendicular from any outside wall of the building.

(16) "Bypass" means the intentional diversion of waste streams from any portion of an industrial user's treatment facility prior to discharge to the County's sanitary sewer system.

(17) "C.F.R." means the Code of Federal Regulations.

(18) "Carbonaceous biochemical oxygen demand (CBOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty degrees Celsius (20° C), expressed in terms of concentration (milligrams per liter (mg/l) or parts per million (ppm) by weight). Interference

from nitrogenous demand is prevented by an inhibitory chemical. Laboratory procedures shall be in accordance with "Standard Methods".

(19) "Categorical industrial user" means an industrial user that is subject to a Categorical Pretreatment Standard.

(20) "Categorical pretreatment standard or categorical standard" means any regulation containing pollutant discharge limits promulgated by the US EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. Section 1317) that apply to a specific category of users and that appears in 40 CFR Chapter 1, Subchapter N, Parts 405 and 471.

(21) "Chemical oxygen demand or COD" means a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

(22) "Cleanout" means a physical access point to the sewer system for the purpose of cleaning the sewer.

(23) "Combined sewer" means a sewer designed to receive and transport both sanitary sewage and storm water runoff.

(24) "Combined sewer overflow or CSO" means an overflow from a sewer designed to transport sanitary sewage and storm water runoff to a conduit designed only for storm water runoff or to an open body of water.

(25) "Commercial user" means any user of the sewage system not categorized as residential, institutional, governmental or industrial, including, but not limited to, wholesale or retail trade establishments, general business offices, food services, automotive repair services and health services.

(26) "Community" or "governmental entity" means a municipal corporation, county, village, township or an entity organized as or by a governmental agency for the execution of a governmental program wholly or partly located within the service area of the County.

(27) "Community compliance plan" means the general plan prepared by a community in response to its community discharge permit describing the means by which the community will achieve its established performance objectives.

(28) "Community Development Block Grant or CDBG" means funds authorized by and administered under 42 U.S.C. §§5301-5321, as amended.

(29)(28) "Community discharge permit" means a permit issued pursuant to Part Nine, Title Five, Chapter 926 of these Ordinances and/or sewer use agreement stating the terms under which a community may discharge flow into a sewer owned by the County, either directly or through another community's sewer system.

(30)(29) "Compatible pollutant" means the BOD, suspended solids and pH, plus additional pollutants identified in the County's NPDES permit if the treatment works was designed to treat such pollutants, and, in fact, does remove such pollutants to a substantial degree.

(31)(30) "Compliance schedule" means an established time-frame outlining the tasks required and completion dates to achieve compliance with any order, categorical pretreatment standard, discharge permit, or with any provision of Part Nine, Title Five, Chapter 925 of these Ordinances.

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

(33)(32) "Contractor" means a person retained by a property owner, developer or

governmental body to construct a sewage disposal system.

(34) ~~(33)~~ "Control Authority" means the County of Summit, Ohio.

(35) ~~(34)~~ "Control manhole" means a structure which provides access to a sewer lateral. A control manhole may be used as an inspection chamber and may contain certain testing equipment.

(36) ~~(35)~~ "Control of combined sewer overflows" means elimination of dry weather overflows and reduction of wet weather CSOs.

(37) ~~(36)~~ "Control of separate sanitary sewer overflow" means elimination of such overflow up to the specified design storm event.

(38) ~~(37)~~ "Cooling water" means the water discharge from a use such as air-conditioning, cooling, or refrigeration, or a use during which the only constituent added to the water is heat.

(39) ~~(38)~~ "County Sewer District". (See "Summit County Metropolitan Sewer District").

(40) ~~(39)~~ "Daily discharge" means the discharge of a pollutant measured during a calendar day or any twenty-four (24) hour period that reasonably represents the calendar for purposes of sampling.

(41) ~~(40)~~ "Daily mass loading" means the mass of a pollutant entering the sanitary sewer via an industrial discharge, expressed as pounds per day. It is the product of daily flow ("MGD") and concentration ("mg/l"), multiplied by a constant (8.34).

(42) ~~(41)~~ "Daily Maximum" means the maximum of all effluent samples for a pollutant collected during a calendar day.

(43) ~~(42)~~ "Daily maximum limit" means the maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

(44) ~~(43)~~ "Debt service" means the portion of the user charge designated for the retirement of principal and interest on bonds, notes, loans, or other debt instruments which have been incurred or will be incurred for the construction, operation and maintenance of County sewer district facilities.

(45) ~~(44)~~ "Department" means Department of Environmental Services of the County of Summit.

(46) ~~(45)~~ "Detailed construction plans" means a drawing of standard engineering scale drawn to accurately reflect the location, depth, alignment, and any other relevant items, of a proposed sewerage system. Included in detailed construction plans are special notes and details for the purpose of directing the proper construction of the facilities contained therein.

(47) ~~(46)~~ "Developer" means any person acting on the behalf of and with full authority of a property owner to provide the means for the construction of private-financed sewerage facilities for the purpose of improving the property.

(48) ~~(47)~~ "Director" means the Director of the Department of Environmental Services of the County of Summit, who is charged with certain duties and responsibilities under Part Nine, Title Five of these Ordinances, or an authorized deputy, agent or representative of the Director.

(49) ~~(48)~~ "Discharger" means any user who discharges, causes or permits the discharge of wastewater into the sewage disposal system.

~~(50)~~ (49) "Easement" means an acquired legal right of the specific use of land owned by others.

~~(51)~~ (50) "Equipment replacement cost". (See "Replacement").

~~(52)~~ (51) "Ether-soluble matter" means oil and grease which is soluble in ether.

~~(53)~~ (52) "Existing source" means any source of wastewater discharge that is not a "new source".

~~(54)~~ (53) "Fecal coliform" means any number of organisms common to the intestinal tract of humans and animals, whose presence in sanitary sewage is an indicator of pollution.

~~(55)~~ (54) "Floatable oil" means oil, fat or grease in a physical state, such that it separates by gravity from wastewater by treatment in an approved pretreatment facility.

~~(56)~~ (55) "Force main" means a sewer through which sewage is transported under pressure. A force main is a closed system into which no other sewer can be connected.

~~(57)~~ (56) "Garbage" means the residue from the preparation and dispensing of food, and from the handling, storage and sale of produce.

~~(58)~~ (57) "Governmental user" means any user discharging wastewater from premises utilized by public political units, including federal, Ohio, County of Summit and municipal units.

~~(59)~~ (58) "Grab sample" means a sample that is taken from a waste stream without regard to the flow in the waste stream and over a period not to exceed fifteen (15) minutes.

~~(60)~~ (59) "Grease and oil" refers to a group of substances including hydrocarbons, fatty acids, soaps, fats, waxes, oils or any other material that is extracted by a solvent from an acidified sample and that is not volatilized during laboratory test procedures. Greases and oils are defined by the method of their determination in accordance with "Standard Methods".

~~(61)~~ (60) "Grease and oil of animal and vegetable origin" means substances that are of a less readily biodegradable nature such as are discharged by meatpacking, vegetable oil and fat industries, food processors, canneries and restaurants.

~~(62)~~ (61) "Grease and oil of mineral origin" means substances that are less readily biodegradable than grease and oil of animal or vegetable origin, and are derived from a petroleum source. Such substances, include, but are not limited to, machinery lubricating oils, gasoline station wastes, petroleum refinery wastes and storage depot wastes.

~~(63)~~ (62) "Grease interceptor" means a device which is used to intercept fats, oil and grease in outdoor and in-ground structures in order to prevent fats, oil and grease entering into the County's sanitary sewer system.

~~(64)~~ (63) "Grease trap" means a device used to trap fats, oil and grease in indoor installations in accordance with the Ohio Plumbing Code, Chapters 4101 :3-1 to 4101 :3-13 of the Ohio Administrative Code.

~~(65)~~ (64) "Ground garbage" means the residue from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half (1/2) inch in any dimension.

~~(66)~~ (65) "Incompatible pollutant" means any pollutant which is not a "compatible pollutant".

~~(67)~~ (66) "Indirect discharge or discharge" means the introduction of pollutants into the POTW from any non-domestic source.

~~(68)~~ (67) "Industrial user" means a person who discharges to the County's sewage

disposal system liquid, solid or gaseous wastes resulting from the processes employed in industrial or manufacturing activities, or from the development, recovering or processing of any natural resource.

(69) ~~(68)~~ "Industrial waste" means any liquid, solid or gaseous substance or form of energy, or combination thereof, resulting from any process of industrial, commercial, governmental and institutional concern, manufacturing, business, trade or research, including the development, recovery or processing of natural resources, or from sources other than those generating waste defined herein as "normal domestic sewage".

(70) ~~(69)~~ "Infiltration" means the water entering a sewer system and sewer laterals from the ground through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include and is distinguished from inflow.

(71) ~~(70)~~ "Inflow" means the water discharged into a sewer system and sewer laterals from such sources as, but not limited to: roof downspouts, foundation drains, driveway drains, drains from springs and swampy areas, cooling water discharges, cross connections from storm sewers or combined sewers, catch basins, manholes, manhole covers, surface runoff, street wash waters, and other similar sources of storm water. Inflow does not include and is distinguished from infiltration.

(72) ~~(71)~~ "Influent" means the water, together with any waste that may be present, flowing into a drain, sewer, receptacle or outlet, and then to a wastewater treatment plant.

(73) ~~(72)~~ "Inspector" means a representative or agent of the Director assigned to observe the installation of sewerage facilities to assure compliance with the standards and specifications of the Director and to record quantity, quality, and location of facilities during construction. It can also mean a representative or agent of the Director assigned to inspect commercial and industrial facilities to ensure compliance with federal, Ohio and County of Summit pretreatment standards.

(74) ~~(73)~~ "Instantaneous Limit" means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

(75) ~~(74)~~ "Interference" means a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the County of Summit NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations, including , but not limited to: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act ("RCRA"), as amended; any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act, as amended; the Clean Air Act, as amended; the Toxic Substances Control Act, as amended; and the Marine Protection, Research, and Sanctuaries Act, as amended.

(76) ~~(75)~~ "Institutional user" means any person discharging wastewater from premises serving educational, social or eleemosynary purposes, including, but not limited to, private schools, hospitals, nursing homes and charitable organizations.

(77) ~~(76)~~ "Interference" means a discharge that alone or in conjunction with discharges

by other sources inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, and use of disposal; and therefore causes the POTW to violate its NPDES permit.

~~(78)~~ ~~(77)~~ "Local limit" means the highest allowable amount of a pollutant that can be present in a User's industrial wastewater discharge. The local limit, established by the Department, is expressed either as a concentration (milligrams per liter, micrograms per liter or nanograms per liter) or as a mass loading (pounds per day).

~~(79)~~ ~~(78)~~ "Manhole" means a physical access point to the sewer system for the purpose of cleaning, inspection, metering, observations, etc. A manhole is sized for human and equipment access in the normal operation and maintenance of a sewerage system.

~~(80)~~ ~~(79)~~ "Maximum background concentration" means the maximum measured concentration of a pollutant in residential and/or commercial service areas that have no industrial activity.

~~(81)~~ ~~(80)~~ "Maximum daily discharge limitations" means the highest allowable daily discharge.

~~(82)~~ ~~(81)~~ "May" means is permissible.

~~(83)~~ ~~(82)~~ "Medical Waste" means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

~~(84)~~ ~~(83)~~ "Milligrams per liter or mg/l". (See "parts per million ('ppm')").

~~(85)~~ ~~(84)~~ "Monthly average" means the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

~~(86)~~ ~~(85)~~ "Monthly average limit" means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

~~(87)~~ ~~(86)~~ "National Categorical Pretreatment Standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. Section 1347) which applies to a specific category of industrial users.

~~(88)~~ ~~(87)~~ "National Pollutant Discharge Elimination System ('NPDES') Permit" means a permit issued by the State of Ohio or EPA pursuant to the Act for the purpose of regulating the discharge of sewage, industrial wastes, and other wastes (under the authority of Section 402 of the Act), into the navigable waters of the United States.

~~(89)~~ ~~(88)~~ "Natural outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

~~(90)~~ ~~(89)~~ "New source" means:

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

1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or

2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or

3. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

B. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsections (a)(89)A.2. or 3. above, but otherwise alters, replaces, or adds to existing process or production equipment.

C. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

1. Begun, or caused to begin, as part of a continuous onsite construction program

- a. any placement, assembly, or installation of facilities or equipment; or
- b. significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

2. Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

~~(91)~~ ~~(90)~~ "Non-contact cooling water" means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

~~(92)~~ ~~(91)~~ "Non-significant industrial user or NSIU" means an industry which contributes low-strength or domestic wastes containing pollutants in concentrations which are normally found in background concentrations and are compatible with wastewater treatment plant operations. Designation of non-significant industrial users shall be made only by the County.

~~(93)~~ ~~(92)~~ "Normal domestic sewage" means wastewater created in the preparation of foods, bathing, laundry facilities and sanitary facilities, as resulting from normal individual and group living functions and characterized by a loading of 250 mg/l BOD and 300 mg/l suspended solids per capita.

~~(94)~~ ~~(93)~~ "Nursing home" means an institution, residence, or facility that provides, for a period of more than twenty-four hours, whether for a consideration or not, accommodations to three or more unrelated individuals who are dependent upon the services of others, including a nursing home, residential care facility, home for the aging, and a veterans' home operated under Chapter 5907 of the Revised Code.

~~(95)~~ ~~(94)~~ "OEPA" means the Ohio Environmental Protection Agency and may also be used, where appropriate, as a designation for the administrator or other duly authorized official of such agency.

~~(96)~~ ~~(95)~~ "On-site treatment facilities" means any wastewater treatment facilities located at the site where wastewater is being generated, when such facilities are for the purpose of treating or pre-treating the generated wastewater before it enters a public sewer.

~~(97)~~ ~~(96)~~ "Operation and maintenance costs" means the current, reasonable and necessary costs of operation and maintenance of the sewage disposal system, paid or incurred, determined in accordance with generally accepted accounting principles, including

replacement costs, but excluding payments of principal and of interest on obligations issued to finance the costs of acquisition and construction of the sewage disposal system.

(98) ~~(97)~~ "Operating upset". (See "Upset").

(99) ~~(98)~~ "Order" means verbal or written commands, issued by the Director setting forth conditions imposed upon the industrial user for the discharge of pollutants to the County sewage disposal system.

(100) ~~(99)~~ "Parts per million or ppm" means a weight-to-weight ratio. The parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water. Milligrams per liter ("mg/l") is a synonymous term.

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

(102) ~~(101)~~ "Performance objective" means a specific result to be achieved to meet the purpose of this Code. Performance objectives shall include, but are not limited to: elimination, up to the specified storm event design, of sanitary sewer overflows; elimination of combined sewers, and control of peak flows of the point of connection to the County or other community sewers.

(103) ~~(102)~~ "Person" means any individual, firm, company, municipal or private corporation, partnership, co-partnership, joint stock company, trust, estate, governmental entity, or other legal entity, or their representatives, agents, or assigns. This definition includes all federal, Ohio and local governmental entities.

(104) ~~(103)~~ "pH" means a measure of the acidity or alkalinity of a solution, expressed in standard units.

(105) ~~(104)~~ "Point of discharge" or "meter station" means the connection to a facility of the County or other community.

(106) ~~(105)~~ "Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage sludge, munitions, medical wastes, chemical wastes, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal and agricultural and industrial wastes, and certain characteristics of wastewater, e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity or odor.

(107) ~~(106)~~ "Pollution" means an alteration of the quality of the waters of the State by waste to a degree which unreasonably affects such waters for beneficial uses or facilities which serve such beneficial uses. Pollution is the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

(108) ~~(107)~~ "Premises" means any piece of real estate having one (1) or more sewers which may be connected either individually or through a common sewer and directly or indirectly to the sewage disposal system.

(109) ~~(108)~~ "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction, elimination or alteration can be obtained by physical, chemical or biological processes, by process changes or by other means, except by diluting the concentration of the pollutants.

(110) ~~(109)~~ "Pretreatment requirement" means any substantive or procedural requirement related to pretreatment imposed upon a user other than a pretreatment standard.

(111) ~~(110)~~ "Pretreatment standards or standards" means prohibited discharge standards,

categorical pretreatment standards, and local limits.

(112) ~~(111)~~ "Private sewer lateral" means that section of sanitary sewer owned and maintained by a user which conveys wastewater from the building drain to a public sewer, public sewer lateral, or privately owned and maintained sewer extension.

(113) ~~(112)~~ "Prohibited discharge standards or prohibited discharges" means absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 921.05 of this Title.

(114) ~~(113)~~ "Properly shredded garbage" means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely, under the conditions normally prevailing in sewers, with no particle greater than one-half (1/2) inch in any dimension.

(115) ~~(114)~~ "Publicly owned treatment works or POTW" means a treatment works, as defined by Section 212 of the Act (33 U.S.C. Section 1292), which is owned by the County. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances that transport wastewater to a treatment plant.

(116) ~~(115)~~ "Public sewer" means a sewer provided by or subject to the jurisdiction of the County. This includes sewers within or outside the County boundaries that serve one (1) or more persons and ultimately discharge to the County sanitary sewer system, even though these sewers may not have been constructed with County funds.

(117) ~~(116)~~ "Public sewer lateral" means a stack, riser or section of sanitary sewer owned and maintained by the County which conveys wastewater from a private sewer lateral to a public sewer.

(118) ~~(117)~~ "Pump or lift station" means a structure or structures and all mechanical and electrical equipment used to collect sewage at one (1) location for transportation through a force main to another location, usually at a higher elevation.

(119) ~~(118)~~ "Receiving stream" means the watercourse, stream or body of water receiving the waters finally discharged from a wastewater treatment plant.

(120) ~~(119)~~ "Rehabilitation" means the action required to restore the structural and design integrity of the sewer system or parts thereof, through methods which include, but are not limited to: BMP, sewer replacement, sewer relining, sewer sealing, pump station or force main replacement, and other means of reducing infiltration and/or inflow.

(121) ~~(120)~~ "Reimbursable expenses" means those costs incurred by the County which are passed on to the users on whose behalf the expenses were incurred including, but not limited to, items as sampling costs and laboratory fees.

(122) ~~(121)~~ "Replacement" means any expenditure for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the sewage disposal system to maintain the capacity and performance for which such system was designed and constructed.

(123) ~~(122)~~ "Residential user" means any aggregation of space or area occupied as a residence and generating domestic wastewater. In multi-use premises, only those divisions of the building utilized as domicile are considered residential users.

(124) ~~(123)~~ "Sanitary sewer" means a sewer which carries wastewater and to which storm, surface and ground waters are not intentionally admitted.

(125) ~~(124)~~ "Sanitary sewer connection permit". (See "Sewer Permit").

(126) ~~(125)~~ "Separate sanitary sewer" means a sewer designed to receive and transport

sanitary sewage.

~~(127)~~ ~~(126)~~ "Separate sanitary sewer overflow or SSO" means a sanitary flow which escapes from the separate sanitary sewer to storm sewers, combined sewers, water courses or ground surface.

~~(128)~~ ~~(127)~~ "Sewage" means human excrement and gray matter (household showers, dishwashing wastewater, etc.).

~~(129)~~ ~~(128)~~ "Sewage disposal system" means all facilities for collection, pumping, treating and disposing of sewage and industrial waste, as well as the wastewater treatment facilities. It shall not include plumbing inside or in connection with building drains or private sewer laterals from a building to the public sewer lateral.

~~(130)~~ ~~(129)~~ "Sewer" means a pipe or conduit for carrying wastewater.

~~(131)~~ ~~(130)~~ "Sewer permit" means a written authorization for an excavator to construct, repair or replace a private sewer lateral and to connect the lateral to the County sewer system or a previously constructed privately owned and maintained sewer extension.

~~(132)~~ ~~(131)~~ "Shall" means mandatory.

~~(133)~~ ~~(132)~~ "Significant industrial user or SIU" means:

A. An industrial user subject to categorical pretreatment standards; or

B. An industrial user that:

1. Discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater);

2. Contributes process wastewater that makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

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

C. The County may determine that an industrial user subject to categorical pretreatment standards is a non significant categorical industrial user rather than SIU on a finding that the industrial user never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:

1. The industrial user, prior to the County's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;

2. The industrial user annually submits the certification statement required in Section 925.38(b) [see 40 CFR 403.12(q)], together with any additional information necessary to support the certification statement; and

3. The industrial user never discharges any untreated concentrated wastewater.

D. Upon a finding that a user meeting the criteria in Subsection B. of this Section has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the County may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in 40 CFR Section 403.8(f)(6), determine that such user should not be considered an SIU.

~~(134)~~ ~~(133)~~ "Sludge" means any solid, semi-solid or liquid waste generated by a governmental, commercial or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other waste having similar characteristics and

effects as defined in standards issued under Sections 402 and 405 of the Act, and in the applicable requirements under Sections 3001, 3004 and 4004 of the Solid Waste Disposal Act, as amended (42 U.S.C. Sections 6901-6992k, as amended).

(135) (134) "Slug, slug load or slug discharge" means any discharge at a flow rate or concentration that could cause a violation of the prohibited discharge standards in Section 921.05 of this Title. A slug discharge is any discharge of a non routine, episodic nature, including but not limited to an accidental spill or a non customary batch discharge, which has a reasonable potential to cause interference or pass-through, or in any other way violate the POTW's regulations, local limits or permit conditions.

(136) (135) "Standard industrial classification or SIC" means a system classifying industries pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, assigning a code (SIC Code) denoting the manufacturing process.

(137) (136) "Standard Methods" means those laboratory procedures set forth in the most recent edition of Standard Methods for the Examination of Water and Wastewater, published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

(138) (137) "Storm Water" means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snow melt.

(139) (138) "Summit County Metropolitan Sewer District". The Summit County Metropolitan Sewer District is a sewer district formed pursuant to Chapter 6117 of the Ohio Revised Code by the County of Summit in Resolution 743-70 on July 14, 1970, and includes all territory as described in that Resolution and as since changed and amended by agreements with various municipal corporations, villages and/or townships. Said agreements are maintained by the Department of Environmental Services and may be reviewed or reproduced upon request.

(140) (139) "Surcharge" means the assessment in addition to the standard user charge which is levied on those persons whose flows or wastes are greater in flow or strength than the values established as representative of normally generated sewage.

(141) (140) "Ten States Standards" means the latest edition of "Recommended Standard for Wastewater Facilities by the Great Lakes - Upper Mississippi River Board of State and Public Health Environmental Manager".

(142) (141) "Total solids" means the sum of suspended and dissolved solids.

(143) (142) "Total suspended solids or suspended solids" means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

(144) (143) "Toxic amounts" means concentrations of any pollutant or combination of pollutants which, upon exposure to or assimilation into any organism, will cause adverse effects such as cancer, genetic mutations, and/or physiological manifestations, as defined in standards issued pursuant to Section 307(a) of the Act.

(145) (144) "Toxic pollutants" means those substances referred to in Section 307(a) of the Act as well as any other known potential substances capable of producing toxic effects.

(146) (145) "Treatment plant". (See "wastewater treatment plant").

(147) (146) "US EPA" means the United States Environmental Protection Agency and may also be used, where appropriate, as a designation for the administrator or other duly authorized official of such agency.

~~(148)~~ ~~(147)~~ "Unpolluted liquid". (See "unpolluted water").

~~(149)~~ ~~(148)~~ "Unpolluted water" means any water or liquid containing none of the following: free or emulsified grease or oil; acids or alkalies; substances that may impart taste, odor or color characteristics; toxic or poisonous substances in suspension, colloidal state or solution; odorous or otherwise obnoxious gases. It shall not contain more than 2,500 parts per million by weight of dissolved solids and no more than ten (10) parts per million each of suspended solids or biochemical oxygen demand ("BOD"). Analytical determinations shall be made in accordance with Standard Methods.

~~(150)~~ ~~(149)~~ "Upset" means an exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with the standards set forth in this Title Five - Sewers and Wastewater due to factors beyond the reasonable control of the discharger, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.

~~(151)~~ ~~(150)~~ "User or Industrial User" means a source of indirect wastewater discharge.

~~(152)~~ ~~(151)~~ "User charge" means the fee imposed upon all units serviced by the sewage disposal system of the County of Summit in a total amount sufficient to pay the costs of operation and maintenance, including the costs of replacement of equipment in the sewage disposal system.

~~(153)~~ ~~(152)~~ "Volatile organic matter" means the material in the sewage solids transformed to gases or vapors when heated at 500 degrees centigrade for fifteen (15) to twenty (20) minutes.

~~(154)~~ ~~(153)~~ "Wastewater" means liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities and institutions, whether treated or untreated, which contributed to the POTW.

~~(155)~~ ~~(154)~~ "Wastewater discharge permit" means a formal written site-specific permit issued by the County for deposition or discharge of commercial or industrial wastewater into any public sewer.

~~(156)~~ ~~(155)~~ "Wastewater treatment plant" means an assemblage of devices, structures and equipment for treatment of sewage and industrial waste.

~~(157)~~ ~~(156)~~ "Water impoundments" means any natural or man-made basin which contains water periodically or permanently.

~~(158)~~ ~~(157)~~ "Watercourse" means a channel in which a flow of water occurs, whether continuously or intermittently.

~~(159)~~ ~~(158)~~ "Waters of the State" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies of accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.