

4. WASTEWATER SERVICE

A. GENERAL

The Sewer Use Ordinance (“SUO”), codified in Chapter 52 of the R.C.G.O., outlines regulations pertaining to use of the City’s wastewater facilities, regulation of sewer construction, control of the quantity and quality of wastewater discharged, wastewater pretreatment, equitable distribution of costs, assurance that existing customer’s capacity will not be preempted, approval of sewer construction plans, issuance of sewer use rules and regulations, minimum sewer connection standards and conditions, and penalties and other procedures upon violation. Due to the comprehensive nature of the SUO, the current version must be referenced to obtain information pertaining to specific regulations. These Rules & Regulations present a summary of topics addressed in the SUO. The contents of the SUO are listed below:

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B. SEWER MAIN EXTENSION AND LATERAL CONNECTIONS

- 1) The Department of Water, Division of Water Engineering maintains current costs and procedures regarding sanitary sewer main extensions. Interested customers can contact the Department of Water, Division of Water Engineering for further information.
- 2) Lateral connections to an existing sewer can be performed by a licensed plumber. Plumbers performing such work shall contact the Division of Sewer Maintenance for current costs and procedures. Approval of plans, securing permits and payment of applicable fees are required before commencing any lateral work. Certain portions of sewer lateral

installations are performed by the City and billed to the licensed plumber or excavator.

C. CONNECTION TO SANITARY SEWER REQUIRED

- 1) The owner of any house, building or property which is used for human occupancy, employment, recreation or other purposes, and abutting on any street, alley, right-of-way or easement in which there is or may be located a sanitary sewer connected to the treatment facility of the City, is required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities by means of a building sewer (lateral) directly to the sanitary sewer in accordance with the provisions of this Ordinance, within ninety (90) days after official notice to do so, provided that the proper sanitary sewer is within two hundred (200) feet of the property line. The owner is responsible for maintenance of the building sewer (lateral) to the point of connection with the publicly owned sanitary sewer. This Section shall not apply to any person served by a privately constructed, owned, operated, and maintained sanitary sewer and wastewater treatment facility which discharges directly to an outlet in accordance with the provisions of this Ordinance and applicable local, state, and federal laws.
- 2) At such time as a sanitary sewer becomes available as defined above, to a property served by a private wastewater disposal system, a direct connection shall be made to the sanitary sewer within ninety (90) days after official notice to do so, and any septic tanks, cesspools, and similar wastewater disposal facilities shall be emptied and filled with suitable material.

D. CONNECTION APPROVALS

- 1) No person shall uncover, make any connections with or opening into, use, alter or disturb any sanitary sewer or a storm sewer without first obtaining written approval from the Department of Building Services or Department of Water, as appropriate. Industrial Users shall complete an Application for Industrial Wastewater Service that includes wastewater disclosure information.

E. SEPARATE CONNECTIONS REQUIRED

- 1) A separate and independent building sewer shall be provided for every building separately owned. Except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard or driveway, the building sewer serving the front building may, upon the

approval of the Director, be extended to the rear building and the whole considered as one building sewer. The Director assumes no obligation or responsibility for damage caused by or resulting from any single building sewer that serves two or more buildings.

F. EXISTING BUILDING SEWERS

- 1) Existing building sewers may be used for the connection of a new building only on approval of the Director. Exemption requests should be submitted to the Division of Water Engineering. Exemption requests shall contain at a minimum, the name and address of the owner of the property, billing responsibilities and the reason for the exception.

G. ABANDONMENT OF SERVICE

- 1) If a residential, commercial, governmental or industrial structure is scheduled to be razed, the service to the premises will be cut and plugged as required by the Department of Water and the Department of Building Services. The property owner will incur the actual cost. If the service is deemed suitable for future use by the Department of Water, then the owner of the property may apply for a waiver of this rule by submitting a written request to the Director of Water.

H. BUILDING SEWER DESIGN

- 1) The size, slope, alignment, construction materials, trench excavation and backfill methods, pipe placement, jointing and testing methods used in the construction and installation of a building sewer shall conform to the building and plumbing code or other applicable requirements of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (“ASTM”) and Water Environmental Federation (“WEF”) shall apply.

I. SURFACE RUNOFF, GROUNDWATER, AND NON-CONTACT COOLING WATER DRAINS

- 1) No person shall connect roof, foundation, areaway, parking lot, roadway, or other surface runoff or groundwater or non-contact cooling water drains to any sewer that is connected to the City’s wastewater facility. The Director may approve the connection of such drains only when the waters intended for such drains for discharge to the wastewater facility have been approved.

J. PROHIBITED DISCHARGE STANDARDS

- 1) No user shall introduce or cause to be introduced into the Publicly Owned Treatment Works (“POTW”) any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State or local pretreatment standards or requirements. The Director may reject any wastewater that will create hazards or have deleterious effects on the POTW.
- 2) The SUO contains an extensive list of specific discharge prohibitions. Refer to the current SUO for a complete listing of prohibited discharges.

K. CATEGORICAL PRETREATMENT STANDARDS AND OTHER DISCHARGE LIMITATIONS

- 1) The federal government has established National Categorical Pretreatment Standards governing the discharge of certain types of wastewater into public sewer systems. State and local requirements and limitations on discharges are also in effect. The most stringent of these requirements shall apply. Refer to the current SUO for more details on these requirements.

L. HAULED WASTEWATER

- 1) Industrial and/or commercial wastes, and by-products and other materials originating from industrial and/or commercial operations outside the City and the City contract service areas shall not be discharged in any form into the wastewater facilities or storm sewer. The Director may make written exceptions to this provision.
- 2) No person shall access the wastewater facilities for any activity including discharge of hauled septic, industrial, or other wastes except at locations and at times as designated by the Director. Any removal of manhole lids or other access to the wastewater facilities for the purpose of discharging wastes at times and/or locations other than those designated by the Director, or without the expressed permission of the Director, shall be considered a violation and shall be subject to enforcement action including assessments and/or penalties.

M. WASTEWATER DISCHARGE PERMIT REQUIREMENTS

- 1) The Director may require any user to complete and submit to the City an Industrial User’s Survey providing information needed by the Director to properly regulate the business, including, but not limited to, the nature of the business, water use, wastewater quantity and characteristics, and potential for pollutants to enter the City’s wastewater facilities.

No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Director, except that a significant industrial user that has filed a timely application pursuant to the SUO may continue to discharge for the time period specified therein. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of the SUO and subjects the wastewater discharge permittee to the sanctions set out in that ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

- 2) The Director may require other users to obtain wastewater discharge permits (as necessary) to carry out the purposes of this Ordinance.

These provisions apply to both new and existing users, and users located either within or outside of City limits.

- 3) Refer to the current SUO for the details of the permit requirements and procedures.

N. REPORTING REQUIREMENTS

- 1) The SUO contains detailed information concerning the type and frequency of reports that must be filed with the City. The most detailed reporting requirements apply to Categorical Industrial Users (“CIU”). The reporting requirements include the following:
 - a) Compliance reporting following the implementation of a new categorical standard or prior to the commencement of a new discharge.
 - b) Flow and quality information for the discharge.
 - c) Semi-annual reporting on continued compliance with discharge limitations.
 - d) Compliance schedules for any additional treatment and/or operation and maintenance to meet Pretreatment Standards.
 - e) Notification to the Director of significant production changes.
 - f) Notification to the City of hazardous waste discharges.
 - g) Reports of potential problems including accidental spill and/or slug loadings.
 - h) Timely notification of discharges violating discharge limitations.
 - i) Notification of planned significant changes in discharge quality or volume.
 - j) Additional reporting requirements for discharges containing total toxic organics.

Refer to the current SUO for the complete details of all reporting and records requirements.

O. SAMPLING AND ANALYTICAL REQUIREMENTS

- 1) The Sewer Use Ordinance stipulates the type of sampling and sampling durations to be used various types of chemical analysis. Sampling frequencies are addressed in individual user permits. The methods of analysis must conform to 40 C.F.R. Part 136 or amendments thereto. Testing must be performed in a laboratory acceptable to the Director. The City may also collect samples for analysis. The user is required to provide access to the location, suitable to the Director, for the collection of samples

P. COMPLIANCE MONITORING

- 1) Continued connection and use of the City sewer system shall be contingent on the Director's right of inspection and sampling of all discharges into the system. The Director, bearing proper identification, shall have the right to enter the facilities of any user with regards to enforcing this Ordinance, and determine that any wastewater discharge permit or order issued hereunder is followed. Users shall allow the Director ready access to all parts of the premises, including easements, for the purposes of inspection, sampling, records examination and copying and the performance of any additional duties.
- 2) Each user shall provide and operate, at its own expense, a secure, readily and safely accessible monitoring facility or control manhole to allow inspection, sampling and flow measurements of each sewer discharge to the City. Each monitoring facility or control manhole shall be situated on the user's premises, except where such a location would be impractical or cause undue hardship on the user. The Director may concur with the facility or manhole construction in the public street or sidewalk area, provided that the facility is located away from obstructions such as landscaping or parked vehicles. The Director, whenever applicable, may require the construction and maintenance of monitoring facilities or control manholes at other locations (for example, at the end of a manufacturing line, wastewater treatment system).

Q. ADMINISTRATIVE, JUDICIAL AND SUPPLEMENTAL ENFORCEMENT REMEDIES

- 1) The SUO authorizes the Director to pursue the appropriate remedies or actions to enforce compliance with that ordinance.

R. BUILDING LATERALS AND PLUMBING MAINTENANCE

- 1) The building lateral, from the City owned and maintained sewer to the building or facility is the maintenance responsibility of the Customer.
- 2) Repairs of building laterals, beyond the property line, in the right-of-way or easement require the services of licensed plumber and a City permit. Whenever a cut is made in a dedicated street or alley, the plumbing contractor shall contact the Department of Water, Division of Sewer Maintenance. The City shall then perform all said excavations, repairs and restoration with the contractor being billed for the work. For any work on the building lateral or plumbing, City permits and inspection are required.

S. PRIVATE METERS

- 1) Customers or users may use a private sanitary meter for billing purposes only if approved by the Director of the Department of Water. Special billing request shall be submitted to the Director's office for consideration. A fee as specified in a separate City rate schedule shall be charged for each private meter read.
- 2) If a Customer or user utilizes a private meter for billing and/or regulatory reporting purposes, the Customer or user shall maintain the meter at their expense. If the meter malfunctions or fails to register, the measurement of consumption/discharge shall be based on the water meter registration and/or estimated by considering past usage. The Customer or user is required to service and/or calibrate the private meter, at the Customer or user's expense, upon direction of the Department of Water.
- 3) Private meters used for billing purposes shall be calibrated by an independent third party once per year at a minimum, or more frequently if deemed necessary by the Department of Water.

T. SEWER BILLING AND DELINQUENT ACCOUNTS

- 1) All fees, assessments and charges payable under the provisions of the Sewer Use Ordinance shall be paid into the City Sanitary Sewer Fund. Such fees, assessments and charges set forth herein or established in the latest edition of the City's wastewater service charge Ordinance, Section 50.03 of the R.C.G.O.
- 2) All fees, assessments and charges payable under the provisions of this Ordinance are due and payable upon the receipt of notice of charges, or as otherwise specified by the Director. Unpaid charges shall be deemed delinquent and shall be subject to penalty and interest charges as provided

in the latest edition of the City's Wastewater Service Charge Ordinance and may be assessed against the property served on the County tax duplicate.

- 3) The methods and procedures for wastewater service billing and delinquent accounts shall be the same as is reasonably possible to those of water contained in Refer to subsection 2(J) of these Rules and Regulations.

U. WASTEWATER RATES – GENERAL INFORMATION

- 1) For any lot, parcel of land, building, or premises situated within the corporate limits of the City having any connections with the City wastewater system or otherwise discharging wastewater, industrial wastes, water or other liquids, either directly or indirectly, into the City wastewater system, a charge or rental shall be based upon the quantity of water used as measured by the City water meter there in use or by other means acceptable to the Director of the Department of Water.
- 2) If a person is found to be discharging wastewater or other wastes into the City's wastewater system without paying a wastewater service charge or rental, the Director shall, by any such method as is practicable, measure or estimate the quantity of such wastes for the purpose of establishing a proper charge in accordance with the schedule of charges set forth herein, and the Customer shall be charged for the total term of the prior usage on the basis of the quantity so determined.
- 3) When a secondary water supply serves a one family dwelling connected to the wastewater collection system, charges shall be computed on an estimated usage of three thousand (3,000) cubic feet per quarter (for a 5/8 inch meter). The billing for larger Customers served by a secondary water supply shall be reviewed on a case-by-case basis.
- 4) The procedure for applying minimum wastewater treatment charges for private sewer meter installations shall be based on the actual size of the sewer meter; provided however, exceptions such as, but not limited to, multiple sewer meter installations, Parshall flumes and weirs, shall be billed at a ten (10) inch sewer meter size for minimum wastewater service charges.
- 5) Charges will be payable quarterly or monthly as due in accordance with applicable rates.
- 6) When special readings are requested by the Customer or user or needed by the Departments of Water or Finance between regular reading dates, charges will be determined in proportion to the time elapsed since the normal time between regular reading dates.

- 7) The Director of the Finance Department may render bills at regular rates for extended periods running beyond three (3) months when extended periods are necessary. Bills may be issued to Customers or users for periods shorter than three (3) months provided the total number of bills equates to no more than the total number of billings normally issued in a one (1) year period.
- 8) All bills are rendered in gross and net amounts. Net amounts are gross less five percent (5%) discount payable within fourteen (14) days (or sixty (60) days for government agencies). The five percent (5%) discount is offered as an incentive for prompt payment. However, governmental agencies under separate agreements shall make payments to the City per the terms and conditions of said agreements.
- 9) Monthly billing may be implemented for an account when deemed appropriate by the Director of Water or the Director of Finance.

V. EXTRA-STRENGTH SURCHARGE

- 1) The measurement of the strength of the wastewater shall be made by standard sampling and laboratory procedures in a manner acceptable to the Director for purposes of application of the extra strength surcharges. The surcharges shall be made quarterly or monthly at the discretion of the Director.
- 2) For the purpose of applying the surcharge for discharges of higher than normal strength wastewater, the Department of Water, Division of Wastewater Treatment, shall attempt to sample the effluent of the customer's building lateral a minimum of six (6) times per billing cycle. However, if the Director determines that monitoring the user's effluent is not practical, reliable, or cost effective, the Director may specify alternative methods and frequency of determining the characteristics of the wastewaters discharge which will, in the Director's judgment, provide an equitable measurement of such characteristics; provided however, this action is in compliance with federal and state law.
- 3) The Director will append an extra-strength surcharge to the appropriate monthly or quarterly sewer billing account for any user whose average Biochemical Oxygen Demand ("BOD") and/or Total Suspended Solids ("TSS") exceeds the background level of 350 mg/L. In lieu of analyzing for BOD, the Director may opt to establish a Chemical Oxygen Demand ("COD") to BOD ratio for a user to facilitate analysis turnaround time for billing purposes.

W. WASTEWATER SERVICE RATE SCHEDULE

- 1) The rates set from time to time by City ordinance shall apply.

X. CUSTOMERS OUTSIDE THE CITY OF DAYTON

- 1) Except as modified by agreement, individually metered customers outside City Corporation limits connected to and served by the City wastewater treatment facilities shall pay fifteen percent (15%) more than the City rates for wastewater treatment service. Retail customers outside the City under direct contract with the City shall pay twenty five percent (25%) more than the City rates for wastewater service. For those accounts outside the City designated as master metered, the total charges are fifty percent (50%) more than the comparable City rates.

Y. COMPLAINTS AND APPEALS

- 1) The methods and procedures for wastewater services complaints and appeals shall be the same, as much as is reasonably possible, to those of water contained in section 2(N) of these Rules and Regulations.

Z. PRETREATMENT CHARGES AND FEES

The Director may adopt reasonable fees for reimbursement of costs incurred in creating and operating the City's Pretreatment Program. These fees shall be established in a schedule. The schedule may be periodically amended and shall be made available to the public upon request.

AA. REFERENCES

Rates Ordinance No. 30309-03 November 26, 2003
Sewer Use Ordinance No. 28892-94 September 21, 1994

General References: R.C.G.O. Chapter 50