

**CODE OF REGULATIONS OF THE  
NORTHEAST OHIO REGIONAL SEWER DISTRICT**

**TITLE I**

**SEWER USE CODE**

Revised:  
2008

**NORTHEAST OHIO REGIONAL SEWER DISTRICT  
CODE OF REGULATIONS  
TITLE I - SEWER USE CODE**

	<b><u>TABLE OF CONTENTS</u>.....</b>	<b>PAGE I-2</b>
<b><u>CHAPTER 1</u></b>	<b>- TITLE AND DISTRIBUTION.....</b>	<b>PAGE I-3</b>
<b><u>CHAPTER 2</u></b>	<b>- DEFINITIONS.....</b>	<b>PAGE I-4</b>
<b><u>CHAPTER 3</u></b>	<b>- ADMINISTRATION.....</b>	<b>PAGE I-12</b>
<b><u>CHAPTER 4</u></b>	<b>- USER CLASSIFICATION FOR SEWER CHARGES .....</b>	<b>PAGE I-13</b>
<b><u>CHAPTER 5</u></b>	<b>- DOMESTIC SEWERAGE SERVICE RATES .....</b>	<b>PAGE I-15</b>
<b><u>CHAPTER 6</u></b>	<b>- INDUSTRIAL SEWERAGE SERVICE RATES.....</b>	<b>PAGE I-21</b>
<b><u>CHAPTER 7</u></b>	<b>- DISPOSAL OF SEPTIC TANK WASTES.....</b>	<b>PAGE I-27</b>
<b><u>CHAPTER 8</u></b>	<b>- SEWER SERVICE CHARGES BASED ON USAGE.....</b> <b>OF THE SYSTEM</b>	<b>PAGE I-30</b>
<b><u>CHAPTER 9</u></b>	<b>- REGULATION OF DISCHARGES.....</b>	<b>PAGE I-37</b>
<b><u>CHAPTER 10</u></b>	<b>- CONTROL OF SCAVENGER WASTES AND.....</b> <b>PUBLICLY OWNED SEWAGE TREATMENT</b> <b>PLANT SLUDGES</b>	<b>PAGE I-48</b>
<b><u>CHAPTER 11</u></b>	<b>- DISTRICT OWNED FACILITIES .....</b>	<b>PAGE I-53</b>
<b><u>CHAPTER 12</u></b>	<b>- ACCEPTANCE .....</b>	<b>PAGE I-54</b>

## **CHAPTER 1 - TITLE AND DISTRIBUTION**

Section 1.0101 Title and Distribution - This Title of the Code of Regulations of the Northeast Ohio Regional Sewer District shall be known as Title I- Sewer Use Code and may be separately printed and distributed.

## CHAPTER 2 - DEFINITIONS

- Section 1.0201 Definitions - unless the content specifically indicates otherwise, the meaning of the following terms wherever they are used in this Title of the Code of Regulations shall be as defined in the following sections.
- Section 1.0202 "Approving Authority" - shall mean the Executive Director of the Northeast Ohio Regional Sewer District or his designated representative.
- Section 1.0203 "Best Management Practice (BMP)" – shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in rule 3745-3-04 of the Ohio Administrative Code and Section 1.0906 of this Code or to prevent or reduce pollution. BMPs also include but are not limited to: treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage; substitution of materials; reformulation or redesign of products; modification of equipment, facilities, technology, or processes; and improvement in inventory control, materials handling or general operation of a facility.
- Section 1.0204 "Billing Agent" – shall mean any person or entity properly authorized by the District to provide billing and collection services to the District on a contractual basis.
- Section 1.0205 "BOD" (denoting Biochemical Oxygen Demand) - shall mean the quantity of oxygen utilized in biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.
- Section 1.0206 "Building Drain" - shall mean that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes including sump pumps, roof drains, and other similar connections, inside the walls of the building and conveys the discharge to the building sewer.
- Section 1.0207 "Building Sewer" - shall mean the extension from the building drain to the public sewer or other place of disposal beginning five (5) feet (1.5 meters) outside the inner face of the building.
- Section 1.0208 "C" - shall mean centigrade degrees.
- Section 1.0209 "COD" (denoting Chemical Oxygen Demand) - shall mean the amount of oxygen consumed from a chemical oxidant under standard laboratory procedures, expressed in milligrams per liter.
- Section 1.0210 "Combined Sewer" - shall mean a sewer designed to receive both sanitary sewage and storm water.

- Section 1.0211 "Control Manhole" - shall mean a structure that is accessible for the purpose of maintaining a building sewer. A control manhole may be used as an inspection chamber.
- Section 1.0212 "Cooling Water" - shall mean the water discharge from any system of condensation, air conditioning, cooling, refrigeration, or other sources. It shall contain no polluting substances which would produce either BOD or SS (suspended solids) in excess of ten parts per million by weight, or toxic substances as limited in this Title of the Code of Regulations or other polluting substances which may be limited in this Title of the Code of Regulations.
- Section 1.0213 "Debt Service" - shall mean that portion of the sewer service charge designated for the retirement of interest on bonds and/or notes authorized and issued by the District..
- Section 1.0214 "Direct Service Communities" - shall mean service areas wherein users are billed for sewer service on the basis of individual meters. A direct service community is not necessarily a member of the Northeast Ohio Regional Sewer District.
- Section 1.0215 "Director" - shall mean the Executive Director of the Northeast Ohio Regional Sewer District or the designated representative thereof.
- Section 1.0216 "Discharge" - shall mean sewage, water or any liquid, semi-liquid, and/or entrained materials accumulated or flowing out of any domestic or industrial establishment or the premises thereof.
- Section 1.0217 "District or NEORSD" - shall mean the Northeast Ohio Regional Sewer District, its Board of Trustees, officers and employees.
- Section 1.0218 "Domestic Sewage" - shall mean sewage derived principally from dwellings, businesses, industries, institutions and the like, originating as wastes from kitchens, water closets, lavatories, bathrooms and showers.
- Section 1.0219 "Domestic User" - shall mean any user of sewage treatment facilities not classified as Haulers as defined in [Section 1.0225](#) or Industrial Users as defined in [Section 1.0226](#) of this Title of the Code of Regulations.
- Section 1.0220 "Effluent" - shall mean sewage, water or other liquid after some degree of treatment, flowing out of any treatment device or facilities.
- Section 1.0221 "Fats" - shall mean any material that is extractable from an acidified sample of a waste by hexane or other designated solvent.
- Section 1.0222 "Garbage" - shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

- Section 1.0223 "Grease" - shall mean any material that is extractable from an acidified sample of a waste by hexane or other designated solvent.
- Section 1.0224 "Ground Garbage" - means solid wastes from the preparation, cooking, and dispensing of food that has been shredded or comminuted to such a degree that all particles will be carried freely in suspension in public sewers, with no particle greater than one-half inch in any dimension.
- Section 1.0225 "Hauler" - shall mean any person engaged in transportation or conveyance of liquid, semi-liquid or solid wastes to a District sewage treatment plant for disposal.
- Section 1.0226 "Industrial User" - shall mean a discharger of any liquid, solid, or gaseous substance or form of energy, or combination thereof, resulting from any process of industrial, commercial, governmental, and institutional concerns, manufacturing, business, trade or research, including the development, recovery and processing of natural resources, or from sources other than those described in [Section 1.0218](#) (Domestic Sewage). All discharges, whether or not volitional, shall be subject to the provisions of this Code of Regulations.
- Section 1.0227 "Industrial Waste" - shall mean any liquid, semi-liquid, solid, or gaseous substance or form of energy, or combination thereof, resulting from any process of industrial, commercial, governmental and institutional concerns, manufacturing, business, trade, or research, including the development, recovery, or processing of natural resources, or from sources other than those described in [Section 1.0218](#). Groundwater and surface runoff are considered to be industrial waste if contaminated with industrial process chemical constituents.
- Section 1.0228 "Influent" - shall mean sewage, raw or partly treated, water or other liquid flowing into any sewage treatment device or facility.
- Section 1.0229 "Inspection Chamber" - shall mean a District-accessible structure through which sewage from a building sewer flows and from which samples of said sewage may be collected for the purpose of being tested.
- Section 1.0230 "Interceptor Sewer" - shall mean any sewer built or acquired by the Northeast Ohio Regional Sewer District for the purpose of receiving sewage from one or more lateral or local sanitary or combined sewers or main sewers as branches.

- Section 1.0231 "Laboratory Determination" - shall mean the measurements, tests, and analyses of the characteristics of waters and wastes in accordance with the most current provisions of 40 CFR Part 136 - Guidelines Establishing Test Procedures for the Analysis of Pollutants or in accordance with any other equivalent methods prescribed by the Executive Director.
- Section 1.0232 "Lateral Sewer" - shall mean any sewer built or to be built within the Northeast Ohio Regional Sewer District for the purpose of connecting a building drain to a public sewer.
- Section 1.0233 "Local Sewer" - shall mean any public sewer built or to be built within the Northeast Ohio Regional Sewer District for the purpose of connecting with intercepting or main sewers as branches thereof.
- Section 1.0234 "Master Meter Communities" - shall mean those communities wherein the volume of sewage to be billed is determined on the basis of master water or sewer meters and billed directly to the government entity responsible for providing local sewer service for those communities. A Master Meter Community is not necessarily a member community of the Northeast Ohio Regional Sewer District.
- Section 1.0235 "Maximum Combined Solvent" – shall mean the sum of the concentrations of solvents limited in this Title of the Code of Regulations.
- Section 1.0236 "Meter Measurement" – for the purposes of this Title shall mean the act of or result of determining the quantity of water supplied to or wastewater being discharged by a user and determined by an instrument or device used for such measurements and approved by the Executive Director.
- Section 1.0237 "mg/L" - shall mean milligrams per liter.
- Section 1.0238 "Municipalities" - shall mean any city, county, village, township or sanitary district wholly or partly within or receiving services from the Northeast Ohio Regional Sewer District.
- Section 1.0239 "Natural Outlet" - shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- Section 1.0240 "NPDES (National Pollutant Discharge Elimination System) Permit" - shall mean the same as so defined in the Code of Federal Regulations, 40 CFR Part 125, and in Public Law 92-500, Section 402.
- Section 1.0241 "Operation and Maintenance" - shall mean the process and act of keeping all facilities for collecting, pumping, treating, and disposing of sewage in good state of repair and functioning properly, including the replacement of said facilities when necessary.

- Section 1.0242 "Person" - shall mean any individual natural person, partnership, joint venture, firm, company, premises, association, society, corporation, municipality, or group.
- Section 1.0243 "pH" - shall mean the negative logarithm of the hydrogen ion concentration in gram equivalents per liter.
- Section 1.0244 "PPM" - shall mean part per million by weight and/or milligrams per liter.
- Section 1.0245 "Premises Accessible to the Sanitary Sewerage System" - shall mean any real estate, building, or premises within the District, which adjoins, abuts, or is adjacent to the public sanitary sewerage system or any real estate, which abuts upon the street, public way, or easement containing a public sewer accessible to the premises, or any structure(s) thereon.
- Section 1.0246 "Pretreatment Facilities" - shall mean structures, devices, or equipment used for the purpose of removing wastes from sewage generated from a premises prior to its discharge into a public sewer.
- Section 1.0247 "Private Sewer" - shall mean any sewer or system of sewers, exclusive of building sewers, which is not owned by any public authority.
- Section 1.0248 "Process Wastewater" – shall mean any water that, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.
- Section 1.0249 "Process Wastestream" – shall mean any water that, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.
- Section 1.0250 "Public Law 92-500 (PL 92-500)" - shall mean the 1972 Amendments to the Federal Water Pollution Control Act, and all subsequent amendments thereto.
- Section 1.0251 "Public Law 95-217 (PL 95-217)" - shall mean the Clean Water Act of 1977, and all subsequent amendments thereto.
- Section 1.0252 "Public Sewer" - shall mean a sewer which is owned and/or controlled by a public authority.
- Section 1.0253 "Publicly Owned Sewage Treatment Plant Liquid Sludge" - shall mean any liquids or semi-liquids generated during the operation of a publicly owned sewage treatment plant.
- Section 1.0254 "Sampling" - shall mean the collection of sewage or other liquid, semi-liquid, and/or solid material, as it flows from a premises to or otherwise has collected in a building sewer.

- Section 1.0255 "Sanitary Sewage" - shall mean sewage derived principally from dwellings, businesses, industries, institutions and the like, originating as wastes from kitchens, water closets, lavatories, bathrooms and showers.
- Section 1.0256 "Scavenger Waste" - shall mean any liquid chemical substance or waste other than septic tank wastes or waste from privately owned and operated package plants which is transported by truck, tanker or any other means of conveyance to a District treatment facility where the sewer system is intended to be either wholly or partially the means of treatment or disposal.
- Section 1.0257 "Sewage" - shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface, storm or other waters as may be present.
- Section 1.0258 "Sewage Connection Permit" - shall mean a permit issued by the Executive Director for the purpose of connecting a building sewer to a public sewer.
- Section 1.0259 "Sewage Flow Meter" - shall mean a device that measures and records the flow of sewage. Sewage Flow Meters may also measure the rate, volume, temperature, pH, or other characteristic(s) of flow.
- Section 1.0260 "Sewage Treatment Plant" - shall mean any arrangement of devices and structures used for treating sewage.
- Section 1.0261 "Sewer" - shall mean a pipe or conduit for collecting and/or carrying sewage.
- Section 1.0262 "Sewer Service Charges" - shall mean the total sewer charges assigned to each user consisting of a user charge to defray a user's proportionate share of the cost of operation and maintenance (including replacement), a capital financing charge to defray the debt (capital and interest costs) of the sewerage system and such other charges as may from time to time be levied for special circumstances arising under this Title of the Code of Regulations.
- Section 1.0263 "Sewer Use Permit" - shall mean a permit issued by the District to a person authorizing and setting forth terms for the use of the District sewerage system for the purpose of disposing of wastewater.
- Section 1.0264 "Sewerage" - shall mean all facilities for collecting, pumping, treating and disposing of sewage.
- Section 1.0265 "Slug" - shall mean any pollutant or other substance or combination released in a single extraordinary discharge episode of such volume or strength as to cause interference to the District's facilities.
- Section 1.0266 "Storage Tank/Temporary Discharge Permit" - shall mean the temporary permit issued by the District to defray the cost of inspection and treatment of

underground storage tank water, above-ground storage tank water, or any excavation water associated with the removal, testing, or remediation of groundwater, or other such wastewater that is intended to be discharged to the sewer system.

- Section 1.0267 "Storm Drain" - shall mean a sewer that carries storm and surface waters and drainage excluding sewage and industrial wastes, other than unpolluted cooling water.
- Section 1.0268 "Storm Sewer" - shall mean a sewer that carries storm and surface waters and drainage excluding sewage and industrial wastes, other than unpolluted cooling water.
- Section 1.0269 "Suspended Solids" - shall mean solids that either float on the surface of or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
- Section 1.0270 "System" - shall mean the sewerage system of the Northeast Ohio Regional Sewer District including all treatment and disposal facilities and interceptor sewers owned and operated by the District and all sewerage collection systems and all other appurtenances connected thereto.
- Section 1.0271 "Subdistrict No. 1" - shall mean the City of Cleveland.
- Section 1.0272 "Subdistrict No. 2" - shall mean all areas of the District outside the City of Cleveland.
- Section 1.0273 "Surcharge" - shall mean that part of the sewer service charge which shall be applied to wastes whose strength, concentration, consistency, or other characteristics cause additional expense to the District in its handling and/or treatment or are determined by the Executive Director to make non-routine demands upon the System, to cover added operation, maintenance, and/or replacement cost.
- Section 1.0274 "Testing" - shall mean the analysis of sewage or other sampled materials.
- Section 1.0275 "Total Toxic Organics" - shall mean the summation of all quantifiable values of priority pollutants that are listed in the Categorical Standards with values greater than 0.01 milligrams per liter.

- Section 1.0276 "Toxic Substance" - shall mean any substance whether gaseous, liquid or solid, or any combination thereof, which, when discharged to the sewer system in sufficient quantities, may tend to interfere with any sewage treatment process, or to constitute a hazard to human beings or animals, or to inhibit aquatic life or create a hazard to recreation in the receiving waters of the effluent from the sewage treatment plant.
- Section 1.0277 "Unpolluted Water" - shall mean water discharged in its original state, as delivered by the public water utility, or water discharged which, after use for any purpose, is at least equal chemically, physically, and biologically to the water from its original source, e.g. potable water, groundwater, river and stream water.
- Section 1.0278 "User" - shall mean any person or premises receiving waste treatment services from any facility owned and/or operated by the Northeast Ohio Regional Sewer District.
- Section 1.0279 "User Charge" - shall mean charges assigned to each user which defray an equitable share of the cost of operation, maintenance, and/or replacement of the sewerage system.
- Section 1.0280 "Wastewater" - shall mean any combination of water-carried waste from residences, buildings, businesses, institutions, and/or industrial establishments together with such ground, surface, or storm water as may be present.
- Section 1.0281 "Watercourse" - shall mean a channel in which a flow of water occurs, either continuously or intermittently.

### CHAPTER 3 - ADMINISTRATION

Section 1.0301 Administration by Northeast Ohio Regional Sewer District Personnel - The Administration of this Title of the Code of Regulations shall be by the staff of the Northeast Ohio Regional Sewer District under the direction of the Board of Trustees.

Section 1.0302 Administrative Rules - The Executive Director of the Northeast Ohio Regional Sewer District may adopt, amend, and alter written rules governing the administration of this Title of the Code of Regulations. Such rules shall not conflict with nor waive any provisions of this Title of the Code of Regulations .

Section 1.0303 Hearing - The Board of Trustees of the Northeast Ohio Regional Sewer District shall hear all cases with regard to the District's Administration of this Title of the Code of Regulations. In this capacity, said Board shall hear complaints of persons aggrieved by the District's administration of this Title of the Code of Regulations in regard to classification of users, applicable sewerage service charges, amounts and/or exemptions from charges, enforcement of Pretreatment regulations and charges for noncompliance therewith, and all such other matters relating to the use of sewers and the discharge of any materials thereto in accordance with the provisions of any Title of this Code of Regulations.

The Board of Trustees shall publish Rules of Procedure, which shall be followed by the Board of Trustees, or by the Hearing Officer appointed in its stead, in conducting all hearings under this Section.

In its discretion, the Board of Trustees may appoint a Hearing Officer, who shall be a full-time employee of the District, to hear any matters that the Board of Trustees is empowered to hear under this Section. Said Hearing Officer shall hear all evidence concerning the matter, and shall cause a record of the proceeding to be prepared. The written conclusions and recommendation of the Hearing Officer, along with a summary of the testimony and all exhibits offered as evidence, shall be transmitted to the Board of Trustees for its approval or rejection. If the Board of Trustees determines to approve the recommendation of the Hearing Officer, it shall do so by Resolution, which shall be the Final Order of the District. If the Board of Trustees rejects the recommendation of the Hearing Officer, it shall state its reasons in writing, and shall remand the matter to the Hearing Officer. The Hearing Officer shall prepare a revised recommendation, which shall be based upon additional evidence, if necessary. The revised recommendation shall then be transmitted to the Board of Trustees for its consideration. This procedure will be followed until the Board of Trustees approves the recommendation of the Hearing Officer by Resolution.

## CHAPTER 4 - USER CLASSIFICATION FOR SEWER CHARGES

Section 1.0401 User Classification - The District shall classify all users of its facilities in accordance with the Standard Industrial Classification Manual of the U.S. Office of Budget and Management and the provisions of this Title of the Code of Regulations. Those users determined to be Industrial Users as defined in [Section 1.0226](#) of this Title of the Code of Regulations shall be charged the applicable industrial rate for sewerage service set out in [Chapter 6](#) of this Title of the Code of Regulations. Those Industrial Users which are in categories that are subject to national pretreatment standards will be classified as such and subject to the regulations set out in both Title I and Title II of this Code of Regulations. All other users shall be considered Domestic Users as defined in [Section 1.0219](#) of this Title of the Code of Regulations and shall be charged applicable domestic sewerage service rate as set out in [Chapter 5](#) of this Title of the Code of Regulations.

Section 1.0402 Determination of the Volume of Waste Discharged - In order to determine the volume of waste discharged by any person for the purpose of determining the applicable sewerage service rate, the District may use as the figure representing the number of cubic feet of sewage discharged into the sewer system,

- (a) the amount of water supplied to the premises;
- (b) the number of cubic feet of sewage discharged to the sewer system as determined by District-approved measurements or sewer meter readings taken at a control manhole installed by the owner, at the owner's expense; or
- (c) a figure determined by any combination of the foregoing.

A method of estimation of the volume of discharge may be used to calculate the volume of discharge until the metering system or systems are installed pursuant to an order of the District.

Section 1.0403 Analysis Required -

- (a) In order to apply all the provisions of the Code of Regulations, the District may require all users classified as Industrial to submit an analysis of their discharge showing a determination of the concentration of wastes contained in said discharge. Such analysis shall include all information requested on forms provided therefor by the District. The form shall be signed by an authorized representative of the user.

(b) After the initial classification by the District, the District may from time to time require additional analysis of any industrial user in order to assure the accuracy of the District's industrial waste database.

Section 1.0404 Validation of Analysis by Northeast Ohio Regional Sewer District - The District shall have the right to make its own analysis of the industrial user's discharge in order to validate the analysis submitted by said user. In the event any discrepancy between the District's analysis and the industrial user's, the District may rely upon its own analysis for any action or purpose contemplated by this Code of Regulations.

Section 1.0405 Special Charges for Industrial Wastes - The District may impose special charges over and above the industrial sewerage service charges set out in [Chapter 6](#) of this Title of the Code of Regulations if a particular waste causes or has the potential to cause additional expense to the District in its handling and treatment. To determine acceptability of any such waste and the charge for treatment thereof, the District may require persons wishing to discharge such wastes to submit a written analysis of the characteristics of such wastes. Such analysis may be validated by the District as provided for in [Section 1.0404](#) of this Title of the Code of Regulations.

Section 1.0406 Method of Analysis - The handling, storage, and analysis of all samples for the determination of the characteristics of the waste pursuant to [Sections 1.0404](#) or [1.0405](#) shall be performed by Laboratory Determination as defined in [Section 1.0231](#).

Section 1.0407 Estimation of Volumes and Concentrations of Waste Discharges - For purposes of [Section 1.0405](#) where sampling and gauging of a specific industrial user is not practical for physical, economic, or other reasons, the District in its discretion may establish industry-wide averages for concentrations of the wastes discharged into the sewer system for all users in the same industrial classification. These average concentrations may be determined by sampling the waste discharges of one or more typical firms in said industrial classification. The determined averages may be related to units of production, or some other suitable basis, for the computation of the industrial sewerage service charge. These average concentrations shall remain in effect until such time as the specific industrial user submits data which, in the judgment of the Executive Director, indicates that such averages are not applicable to the said particular industrial user.

## CHAPTER 5 - DOMESTIC SEWERAGE SERVICE RATES

- Section 1.0501 Definitions - Wherever they are used in this Chapter, the meaning of these terms shall be defined in this Section.
- (a) "Summer Residential Sprinkling User Charges" (SRSUC) - shall mean the vehicle by which the District shall assess sewer service charges to eligible residential users defined in this Chapter.
  - (b) "Summer Billing Period" - shall mean the period between May 1 and September 30, inclusive.
  - (c) "Winter Billing Period" - shall mean the period between October 1 and April 30, inclusive.
  - (d) "Eligible User" - shall mean any owner-occupied one-, two-, three-, or four-family residence within the District where Sewer Service Charges are based upon water consumption as billed by the Northeast Ohio Regional Sewer District's Billing Agents, provided that said Billing Agents implement Summer Residential Sprinkling User Charges meeting the criteria established by the Executive Director. Residences in communities whose Sewer Service Charges are based upon sewer meters are considered to be ineligible.
  - (e) "Winter Billing Period Usage" - shall mean the calculated daily consumption during the winter billing period.
- Section 1.0502 Summer Residential Sprinkling User Charges - Upon receipt of a timely application submitted therefor, the District shall provide Summer Sprinkling User Charges to eligible Users. These charges shall be provided by basing the sewer charges during the summer billing period on the smaller of either the actual water consumption or a calculated consumption based upon Winter Billing Period Usage.
- Section 1.0503 Application for Summer Residential Sprinkling User Charges - An application for Summer Residential Sprinkling User Charges must be made by an Eligible User via the application provided by the District and shall be in such form and contain such information as required by the Executive Director. No fee shall be required for said application, and the charges will continue from year to year unless otherwise canceled according to the provisions of this Chapter.

Section 1.0504 Removal from Summer Residential Sprinkling User Charges - Upon the change of ownership of any property or the conversion of owner-occupied property to rental property, that property's Summer Residential Sprinkling User Charges will be canceled. A new application must be submitted by any subsequent Eligible User. Additionally, Summer Residential Sprinkling User Charges shall be canceled due to falsifications on the application.

Section 1.0505 Subdistrict No. 1 Domestic Rates - For any sewerage service provided by the Northeast Ohio Regional Sewer District to any domestic user including any person or corporation or their premises located in Subdistrict No. 1 thereof, a sewerage service charge based upon the quantity of metered water delivered to such premises shall be charged and collected at the following rates for each one thousand (1,000) cubic feet of water measured by meter .

For consumption from January 1, 2009

City of Cleveland

Regular	\$37.15
Homestead	\$24.95

For consumption from January 1,

	2010	2011
Regular	\$40.75	\$44.75
Homestead	\$27.35	\$30.05

Section 1.0506 Subdistrict No. 2 Domestic Rates - For any sewerage service provided by the Northeast Ohio Regional Sewer District to any domestic users including any person or corporation or their premises located in Subdistrict No. 2 thereof, a sewerage service charge based upon the quantity of metered water delivered to such premises shall be charged and collected at the following rates for each one thousand (1,000) cubic feet of water measured by meter.

For consumption from January 1, 2009

Direct Service Communities

Regular	\$40.90
Homestead	\$27.45

For consumption from January 1,

Direct Service Communities

	2010	2011
Regular	\$44.25	\$48.00
Homestead	\$29.70	\$32.25

For Consumption from January 1, 2009

Master Meter Communities

(Billed on the basis of 80% of water at Master Meter)

Regular	\$40.90
Homestead	\$27.45

For consumption from January 1,

Master Meter Communities

(Billed on the basis of 80% of water at Master Meter)

	2010	2011
Regular	\$44.25	\$48.00
Homestead	\$29.70	\$32.25

Section 1.0507

Reconciliation of Rates to Federal Requirements - Domestic - For the purpose of complying with the 1977 amendments to the Clean Water Act (PL 95-217), Section 204 (b) (1), requiring that all users of a treatment facility paid for all or in part by grant funds pay an equitable user charge, the following breakdown of the above rates shall apply.

For consumption from January 1, 2009

	Regular	Homestead
Subdistrict No. 1		
User Charge	\$24.95	\$24.95
Adjustments, other charges and debt service	<u>\$12.20</u>	<u>\$0.00</u>
TOTAL	\$37.15	\$24.95

Subdistrict No. 2		
User Charge	\$24.95	\$24.95
Adjustments, other charges and debt service	<u>\$15.95</u>	<u>\$ 2.50</u>
TOTAL	\$40.90	\$27.45

For consumption from January 1,		2010	2011
Subdistrict No. 1 Regular:			
User Charge		\$27.35	\$30.05
Adjustments, other charges and debt service		<u>\$13.40</u>	<u>\$14.70</u>
TOTAL		\$40.75	\$44.75
Subdistrict No. 1 Homestead			
User Charge		\$27.35	\$30.05
Adjustments, other charges and debt service		<u>\$ 0.00</u>	<u>\$ 0.00</u>
TOTAL		\$27.35	\$30.05
Subdistrict No. 2 Regular:			
User Charge		\$27.35	\$30.05
Adjustments, other charges and debt service		<u>\$16.90</u>	<u>\$17.95</u>
TOTAL		\$44.25	\$48.00
Subdistrict No. 2 Homestead			
User Charge		\$27.35	\$30.05
Adjustments, other charges and debt service		<u>\$ 2.35</u>	<u>\$ 2.20</u>
TOTAL		\$29.70	\$32.25

Section 1.0508 Equalization Program For Regular and Homestead Rate Payers - Effective on January 1st of each year and continuing for the period 2003 through 2022, the following rate equalization adjustment shall be incorporated into the Domestic Rates specified in [Sections 1.0505](#) and [1.0506](#) of this Title.

Year	Regular		Homestead	
	Rate Differential	Equalization Adjustment	Rate Differential	Equalization Adjustment
2002	\$5.50	\$0.00	\$3.55	\$0.00
2003	\$5.25	\$0.25	\$3.40	\$0.15
2004	\$5.00	\$0.25	\$3.25	\$0.15

Year	Regular		Homestead	
	Rate Differential	Equalization Adjustment	Rate Differential	Equalization Adjustment
2005	\$4.75	\$0.25	\$3.10	\$0.15
2006	\$4.50	\$0.25	\$2.95	\$0.15
2007	\$4.25	\$0.25	\$2.80	\$0.15
2008	\$4.00	\$0.25	\$2.65	\$0.15
2009	\$3.75	\$0.25	\$2.50	\$0.15
2010	\$3.50	\$0.25	\$2.35	\$0.15
2011	\$3.25	\$0.25	\$2.20	\$0.15
2012	\$3.00	\$0.25	\$2.00	\$0.15
2013	\$2.70	\$0.30	\$1.80	\$0.20
2014	\$2.40	\$0.30	\$1.60	\$0.20
2015	\$2.10	\$0.30	\$1.40	\$0.20
2016	\$1.80	\$0.30	\$1.20	\$0.20
2017	\$1.50	\$0.30	\$1.00	\$0.20
2018	\$1.20	\$0.30	\$0.80	\$0.20
2019	\$0.90	\$0.30	\$0.60	\$0.20
2020	\$0.60	\$0.30	\$0.40	\$0.20
2021	\$0.30	\$0.30	\$0.20	\$0.20
2022	\$0.00	\$0.30	\$0.00	\$0.20

Section 1.0509 Billing and Collection of Domestic Sewerage Service Charges -

- (a) Charges for Domestic Sewerage Service provided by the Northeast Ohio Regional Sewer District shall be billed and collected by the Northeast Ohio Regional Sewer District’s Billing Agents pursuant to agreement between the Billing Agents and the Northeast Ohio Regional Sewer District, except where provided for in subsection (b), below.
- (b) Domestic users that are not included in the billing records of the water and sewer billing system of the Billing Agents or who, for technical or geographical reasons, have billing and collection of sewer service charges provided for under special agreement may be billed in a manner prescribed by the Executive Director or designated District staff.
- (c) All Domestic Users are required to pay sewer service charges for wastewater discharged to the sanitary sewer system. Any connection or discharge to the sanitary sewer system shall be conclusive evidence of receipt by the User of sewerage services from the District. It is the obligation of all Users to notify the District if their connection to the system is not being billed for Sewer Service Charges. Users shall be responsible for any unbilled Sewer Service Charges for a period of six (6) years prior to the date of the User receiving the backbill or other instrument stating the amount due and owing.

- (d) No quarterly bill for Domestic Sewerage Services rendered by the District may be less than that resulting from the applicable rate for one thousand (1000) cubic feet of water measured by meter. No Domestic User may pay less than the sewer service charges associated with 1 MCF of discharge per quarter, notwithstanding any showing that actual use may have been less than 1 MCF.

- Section 1.0510 Billing and Collection of Additional Charges Set by Member Communities - Domestic Users - Sewerage service charges set by a member community of the District for providing sewerage or other related service within such community may be billed and collected by the District and its Billing Agents along with the District's sewerage service rates.
- Section 1.0511 Billing and Collection of Sewer Service Charges where Water Wells are Used - Where water is supplied to premises by means of wells or water tankers, Sewer Service Charges will be based upon a daily average consumption of 0.033 thousand cubic feet (MCF) of water per billing quarter (approximately 3.0 MCF per billing period). Sewer bills will be prepared for said premises and issued by the Billing Agents.
- Section 1.0512 Annual Notification of Sewerage Service Rates - The Executive Director or designated District staff shall provide an annual notification of the Sewerage Service rates set out in [Section 1.0507](#) to all Domestic Users.
- Section 1.0513 Criteria and Procedures for Homestead Rates - The Executive Director or designated District staff shall establish eligibility criteria and administrative procedures for Homestead Rates in accordance with applicable provisions of the Ohio Revised Code.

## CHAPTER 6 - INDUSTRIAL SEWERAGE SERVICE RATES

Section 1.0601 Subdistrict No. 1 - Industrial Rates - For any sewerage service provided by the Northeast Ohio Regional Sewer District to any industrial user or its premises, located in Subdistrict No. 1, a sewerage service charge based upon the quantity of metered water used in or upon such premises, and on the waste loadings and concentrations of wastewater from such premises as determined by analysis or otherwise as provided in [Chapter 4](#), shall be charged and collected at a rate calculated by applying the three factors in the following formula:

For consumption from January 1, 2009

City of Cleveland

$$\text{Rate per MCF} = A + (\$0.00590 \times \text{TSS}) + [(\$0.00395 \times \text{BOD}) \text{ or } (\$0.00169 \times \text{COD}), \text{ whichever product is greater}]$$

Where: A = \$34.68

TSS = Concentration of Total Suspended Solids with a minimum value of 266 mg/L.

BOD = Concentration of Biochemical Oxygen Demand, with a minimum value of 228 mg/L.

COD = Chemical Oxygen Demand with a minimum value of 532 mg/L.

or at the minimum rate of: \$37.15

where the values of TSS, BOD or COD determined as provided by analysis or as otherwise provided in [Chapter 4](#) (or utilizing the minimum values provided above) result in a rate less than or equal to the applicable minimum rate.

The rate so determined shall be charged for each one thousand (1000) cubic feet of water measured by meter.

For consumption from January 1, 2010 2011

City of Cleveland

$$\text{Rate per MCF} = A + (\$0.00590 \times \text{TSS}) + [(\$0.00395 \times \text{BOD}) \text{ or } (\$0.00169 \times \text{COD}), \text{ whichever factor is greater}]$$

$$\text{Where: } A = \$38.28 \quad \$42.28$$

TSS = Concentration of Total Suspended Solids with a minimum value of 266 mg/L.

BOD = Concentration of Biochemical Oxygen Demand with a minimum value of 228 mg/L.

COD = Chemical Oxygen Demand with a minimum value of 532 mg/L.

or at the minimum rate of: \$40.75 \$44.75

where the values of TSS, BOD or COD determined as provided by analysis or as otherwise provided in [Chapter 4](#) (or utilizing the minimum values provided above) result in a rate less than or equal to the applicable minimum rate.

The rate so determined shall be charged for each one thousand (1000) cubic feet of water measured by meter.

Section 1.0602 Subdistrict No. 2 Industrial Rates - For any sewerage services provided by the Northeast Ohio Regional Sewer District to any industrial user or its premises located in Subdistrict No. 2 thereof, a sewerage service charge based upon the quantity of metered water used in or upon such premises and on the waste loadings and degrees of concentration of wastewater from such premises as determined by analysis or otherwise as provided in [Chapter 4](#), shall be charged and collected at a rate calculated by applying the three factors in the following formulas:

For consumption from January 1, 2009

$$\text{Rate per MCF} = A + (\$0.00751 \times \text{TSS}) + [(\$0.00434 \times \text{BOD}) \text{ or } (\$0.00186 \times \text{COD}), \text{ whichever product is greater}]$$

Where: A = \$37.91

TSS = Concentration of Total Suspended Solid with a minimum value of 266 mg/L.

BOD = Concentration of Biochemical Oxygen demand with a minimum value of 228 mg/L.

COD = Chemical Oxygen Demand with a minimum value of 532 mg/L.

or at the minimum rate of: \$40.90

where the values of TSS, BOD or COD determined as provided by analysis or as otherwise provided in [Chapter 4](#) (or utilizing the minimum values provided above) result in a rate less than or equal to the applicable minimum rate.

Note: Master Meter Communities will be billed on the basis of 80% of water at Master Meter.

For consumption from January 1:                    2010   2011

$$\text{Rate per MCF} = A + (\$0.00751 \times \text{TSS}) + [(\$0.00434 \times \text{BOD}) \text{ or } (\$0.00186 \times \text{COD}), \text{ whichever product is greater}]$$

Where: A	=	\$41.26	\$45.01
B	=	\$0.00867	\$0.00912
C	=	\$0.0122	\$0.01305
D	=	\$0.00523	\$0.00559

TSS = Concentration of Total Suspended Solids with a minimum value of 266 mg/L.

BOD = Concentration of Biochemical Oxygen with a minimum value of 228 mg/L.

COD = Chemical Oxygen Demand with a minimum value of 532 mg/L.

or at the minimum rate of:        \$44.25    \$48.00

where the values of TSS, BOD or COD determined as provided by analysis or otherwise as provided in [Chapter 4](#) (or utilizing the minimum values provided above) result in a rate less than or equal to the applicable minimum rate.

The rate so determined shall be charged for each one thousand (1000) cubic feet of water measured by meter.

Note: Master Meter Communities will be billed on the basis of 80% of water at Master Meter.

Section 1.0603        Reconciliation of Rates to Federal Requirements - Industrial - For the purpose of complying with the 1977 amendments to the Clean Water Act (PL 95-217), Section 204 (b) (1), the following breakdown of the above rates shall apply, based on minimum rates.

For consumption from January 1, 2009

Subdistrict No. 1	
User Charge	\$24.95
Adjustments, other charges and debt service	<u>\$12.20</u>
TOTAL	\$37.15

Subdistrict No. 2	
User Charge	\$24.95
Adjustments, other charges and debt service	<u>\$15.95</u>
TOTAL	\$40.90

For consumption from January 1,	2010	2011
Subdistrict No. 1		
User Charge	\$27.35	\$30.05
Adjustments, other charges and debt service	<u>\$13.40</u>	<u>\$14.70</u>
TOTAL	\$40.75	\$44.75
Subdistrict No. 2		
User Charge	\$27.35	\$30.05
Adjustments, other charges and debt service	<u>\$16.90</u>	<u>\$17.95</u>
TOTAL	\$44.25	\$48.00

Section 1.0604 Billing and Collection of Industrial Sewerage Service Charges -

- (a) Charges for Industrial Sewerage Service provided by the Northeast Ohio Regional Sewer District shall be billed and collected by the Northeast Ohio Regional Sewer District's Billing Agents pursuant to agreement between the Billing Agents and the Northeast Ohio Regional Sewer District, except where provided for in subsection (b), below.
- (b) Industrial users that are not billed by a Billing Agent or who, for technical or geographical reasons, are billed under special agreement may be billed in a manner prescribed by the Executive Director or designated District staff.
- (c) No quarterly bill for Industrial Sewerage Services rendered by the District may be less than that resulting from the applicable rate for one thousand (1000) cubic feet of water measured by meter. No Industrial

User may pay less than the sewer service charges associated with 1 MCF of discharge per quarter, notwithstanding any showing that actual use may have been less than 1 MCF.

- (d) All Industrial Users are required to pay sewer service charges for wastewater discharged to the sanitary sewer system. It is the obligation of all Users to notify the District if their connection to the system is not being billed for Sewer Service Charges. Any connection and/or discharge to the sanitary sewer system shall be conclusive evidence of receipt by the User of sewerage services from the District. Users shall be responsible for all unbilled Sewer Service Charges for a period of six (6) years prior to the date of the User receiving the backbill or other instrument stating the amount due and owing.

Section 1.0605 Billing and Collection of Additional Charges set by Member Communities - Industrial Users - Sewerage service charges set by a member community of the District for providing sewerage or other related service within such community may be billed and collected by the District and its Billing Agents along with the District's sewerage service rates.

Section 1.0606 Billing and Collection of Sewer Service Charges where Water Wells are Used - Where water is supplied to premises by means of wells or water tankers, Sewer Service Charges will be based upon sound estimates of the volume of discharge. The method of estimation shall be subject to review by the Executive Director or designated District staff. Sewer bills will be prepared for said premises and issued by the Billing Agents.

Section 1.0607 Annual Notification of Sewerage Service Rates - The Executive Director or designated District staff shall provide an annual notification of the Sewerage Service Rates set out in [Section 1.0603](#) to all Industrial Users.

## **CHAPTER 7 - DISPOSAL OF WASTES FROM DOMESTIC SEPTIC TANKS, PORTABLE TOILETS AND RESTAURANT GREASE TRAPS**

- Section 1.0701 Purpose - It is the purpose of this Chapter to establish regulations for the disposal, by private hauler delivery to the District's treatment facilities, of wastes from domestic septic tanks, containing only domestic sewage as defined in [Section 1.0218](#), portable toilets, restaurant grease traps and from privately owned and operated package sewage treatment plants, and to fix the District's treatment charges. All other liquid or semi-liquid wastes which are conveyed to a District facility or to a location tributary to a District facility shall be considered scavenger waste and will be regulated by [Chapter 10](#).
- Section 1.0702 County Permit Required - As a prerequisite for obtaining permission to dispose, by private hauler to the District's treatment facilities, of wastes from septic tanks or from privately owned and operated package sewage treatment plants, each hauler of such wastes must obtain a "Permit for Scavengers" from the Cuyahoga County Sanitary Engineer. Haulers of septic tank waste from other counties must present a permit to haul septic tank wastes from their respective County's Board of Health. These permits must be presented to the District when applying for permission and be updated annually.
- Section 1.0703 District Permit Required - All haulers of wastes from septic tanks or privately owned and operated package sewage treatment plants who wish to dispose of such wastes at the District facilities must first obtain a permit from the District to do so for each vehicle used for this purpose by making application on forms provided by the District and by providing the permit called for in [Section 1.0702](#). The annual fee for the District's permit is \$150.00.
- Section 1.0704 District Decals - Haulers receiving a permit to dispose of wastes from septic tanks or privately owned and operated package sewage treatment plants to be delivered by private haulers to the District facilities will be issued decals for each vehicle for which a District permit has been acquired. These decals must be displayed on the vehicle so as to be readily visible to District Security Officers. Vehicles not displaying these decals will be denied access unless provisions are made pursuant to [Chapter 10](#). The District decals will be issued every December for display in the coming year. A new decal will not be issued to the haulers of record if payment for treatment charges is not kept current, or if the annual permit fee has not been paid.
- Section 1.0705 Refusal of Services - The District may refuse the services of its facilities to haulers of septic tank waste or waste from privately owned and operated package sewage treatment plants delivered by private haulers to the District's treatment facilities for specific loads if the hauler has failed to tender payment for disposal charges within thirty (30) days of the date of billing by the District, or if the waste material to be delivered to the treatment facility is determined to:

- (a) Be deleterious to the treatment facility or appurtenances thereto;
- (b) Cause unusual expense in the handling and treatment thereof unless provisions are made per [Section 1.0405](#) ;
- (c) Inhibit the performance of the treatment process;
- (d) Cause the plant to fail to meet effluent limits set by State and Federal regulatory agencies;
- (e) Contain industrial or scavenger waste unless prior permission has been granted pursuant to [Chapter 10](#); or
- (f) Contain any waste which originates from source(s) outside the State of Ohio.

Section 1.0706 Revocation of Permit - The Executive Director or designated District staff may revoke the Wastewater Disposal Permit acquired by haulers of septic tank waste or waste from privately owned and operated package sewage treatment plants if the hauler:

- (a) Misrepresents the nature and/or source of the wastewater; or
- (b) Refuses to follow security, safety, traffic or disposal directions of District staff; or
- (c) Fails to tender payment for disposal charges within sixty (60) days of the date of billing by the District.

Section 1.0707 Disposal Point - The only permitted location for disposal of septic tank wastes or other approved waste is located within the Southerly Wastewater Treatment Plant, 6000 Canal Road, Cuyahoga Heights, Ohio. Hours of operation will be established by operational considerations of the District and haulers will be so notified. No waste shall be discharged into any sewer, manhole, catch basin or any appurtenance thereto or into any natural watercourse.

Section 1.0708 Reporting Information - All haulers of septic tank waste or waste from privately owned and operated package plants are required to report to the District information pertaining to the source of such waste and shall be in such form and contain such information as required by the Executive Director or designated District staff.

Section 1.0709 Treatment Charges for Septic Tank Waste - Treatment charges for septic tank waste or waste from privately owned and operated package sewage treatment plants shall be the following:

For the period beginning January 1, 2009

Minimum Charge	\$67.79
Cost per gallon for loads greater than 1,000 gallons	\$0.06779

For the period beginning January 1,

	2010	2011
Minimum Charge	\$74.57	\$82.02
Cost per gallon for loads greater than 1,000 gallons	\$0.07457	\$0.08202

Section 1.0710 Volume of Septic Tank Waste - Unless otherwise authorized by the District, the volume of septic tank waste in gallons shall be equal to the weight in pounds of the tanker vehicle loaded minus the weight in pounds of the tanker vehicle empty divided by 8.34. The weight shall be determined by the weight scales at the District's treatment plant.

## CHAPTER 8 - SEWER SERVICE CHARGES BASED ON USAGE OF THE SYSTEM

Section 1.0801 Definitions - Wherever they are used in this Chapter, the meaning of the following terms shall be defined in this Section.

- (a) Water loss - shall mean that portion of the metered water supplied to any premises connected to the System which does not enter the System as liquid waste.
- (b) Sewer Service Charges Based on Usage - shall mean a recognition by the District that a water loss, as herein defined, occurs in any premises connected to the System, or in a separate billing account within any premises connected to the System, and therefore the charges for sewerage service to said premises or separate billing account may, if determined to be eligible in accordance with the provisions of this Chapter, be based on other than the total metered water supply to said premises, and may in fact, be based on the actual usage of the System.
- (c) Non-User/Non-Discharge Status - shall mean the recognition by the District that the liquid wastes emanating from any premises located within the District do not enter the System, and therefore no sewer service charges ought to be made. The terms "Non-User" and "Non-Discharge" status replace the term "No Charge Status" as formerly set out in [Sections 1.0801](#) (d) and [1.0804](#) (a) and (b) in the 8/85 revision.
- (d) Premises - shall mean one or more contiguous parcels of property and may include one or more separate billing accounts. Each separate billing account shall be treated individually in determining eligibility for a Sewer Service Charge Based on Usage or a Non-User/ Non-Discharge Status.
- (e) Billing Account - shall mean the primary water meter system which is placed on the feed line to the premises from a water main and consisting of a shut off valve and one water meter.
- (f) Re-registering Meter – shall mean any additional meter which determines the water supply to or discharge from a specific process or portion of a premises. Any meter which has water supplied through the primary water meter system shall be considered as a re-registering water meter.
- (g) Water Billed as Sewage - shall mean the metered water supplied to any premises.

- Section 1.0802 Purpose - This Chapter deals with the requirement to use the public sanitary sewer system if and when it becomes available, No Charge Status for premises which do not use the public sanitary sewer system, and Sewer Service Charges Based On Usage of The System.
- Section 1.0803 General Requirements to Connect to the Sewer System - All premises located within the jurisdiction of the District are required to abandon any private septic tank or package sewage treatment system and connect to the sewer system if and when a public sanitary sewer becomes available. The connection shall be made pursuant to the abandonment rules and regulations of the District or other governing authority having regulatory jurisdiction over the premises. The owner of any premises described within this Section must abandon the private treatment system and make a connection to the public sanitary sewer system within the time period provided by the appropriate governing authority.
- Section 1.0804 Non-User Status and Non-Discharge Status – Eligibility - Application - Where none of the water supplied through a particular billing account returns to the public sewer system and:
- (a) Non-User Status - where no public sanitary sewer system is available, said billing account shall be placed on Non-User Status, all payments made by the applicant to the District for a maximum period of six (6) years prior to the date of application shall be reimbursed to the applicant, the billing account shall be removed from all future billing until such time as sewer service is established, and any outstanding balance of the District's portion of the sewer account for said premises shall be canceled, or:
  - (b) Non-Discharge Status - where a sanitary sewer is available, said billing account shall be placed on Non-Discharge Status and be removed from all future billing from the date of application until such time as sewer service is established.

The determination of Non-User or Non-Discharge Status will be made only after an application has been filed with the Executive Director or designated District staff by the owner of the premises seeking such status in such form and containing such information as shall be required by the Executive Director or designated District staff. The application for Non-Discharge Status shall be accompanied by payment of a non-refundable \$200.00 application fee. If it can be demonstrated to the satisfaction of the Executive Director or designated District staff that no liquid wastes emanating from such premises enter the public sewer system, the Executive Director or designated District staff shall approve the application. If approved, the sewer account for said premises shall be placed on Non-User or Non-Discharge Status. If the Executive Director or designated District staff does not approve the

application, the aggrieved party may request a hearing pursuant to [Section 1.0303](#).

Section 1.0805 Effective Date of Non-User/Non-Discharge Status - Non-User or Non-Discharge Status, when granted, shall be effective immediately. Non-User or Non-Discharge Status shall not be allowed retroactively.

Section 1.0806 Non-User/No Discharge Status - District Termination - Non-User or No Discharge Status will be terminated when it is determined the liquid wastes emanating from any premises located within the District do enter the System. Any premises formerly possessing Non-User or Non-Discharge Status shall be billed sewer service charges from and after the first full billing period after the termination of the Non-User/Non-Discharge Status.

Section 1.0807 Current No Charge Status Accounts - Changes in Terminology - Fees - Non-residential accounts on Non-Discharge Status in accordance with [Section 1.0804](#) (b) will maintain that status without further application as long as the account complies with all other requirements. No application fee is required of accounts possessing a [Section 1.0804](#) Paragraph (b) Non-Discharge Status as of January 1, 1993.

Residential accounts which have Non-User or Non-Discharge Status as of may maintain that status without further application provided the account is in compliance with the other portions of this Title of the Code of Regulations, or the account may elect to participate in Summer Residential Sprinkling User Program, provided the account meets the requirements thereof.

Section 1.0808 Sewer Service Charge Based on Usage Allowed - Notwithstanding the provisions of [Chapters 5](#) and [6](#) , any premises connected to the System may be charged for sewerage services on the basis of actual usage of the system rather than on the total metered water supplied to the premises, provided such premises are determined to be eligible to be so charged in accordance with the provisions of this Chapter. Sewer Service Charges Based On Usage of the System shall be available only after application therefor has been made and approved by the Director as specified in this Chapter. Reimbursement of charges prior to approval of Sewer Service Charges Based On Usage of the System status shall not be made.

Section 1.0809 Application for Sewer Service Charge Based on Usage - Application for Sewer Service Charge Based On Usage may be made by the owner of any premises connected to the System and shall be in such form and shall contain such information as shall be required by the Executive Director or designated District staff in order to permit the determination herein required to be made. In order to defray the expense of investigating and determining eligibility for a sewer service charge based on usage, a non-refundable application fee of \$500.00 for any premises shall be required with each application.

- Section 1.0810 Determination to Grant a Sewer Service Charge Based on Usage of the System - If the Executive Director or designated District staff finds any premises for which an application for a Sewer Service Charge Based On Usage of the System has been made may be eligible for consideration therefor, the Executive Director or designated District staff shall determine if a water loss occurs on such premises. If it can be demonstrated to the satisfaction of the Executive Director or designated District staff that a water loss occurs on such premises, the Executive Director or designated District staff shall approve the application. If approved, the Sewer Service Charge Based On Usage of the System shall be granted, subject to the terms and conditions specified by the District. If the Executive Director or designated District staff does not approve the application, the aggrieved party may request a hearing pursuant to [Section 1.0303](#) . Sewer Service Charges Based On Usage of the System shall not be allowed retroactively.
- Section 1.0811 Eligibility for Consideration for Sewer Service Charge Based on Usage - Only premises connected to the System whose billings demonstrate total annual water billed as sewage in excess of 50 MCF shall be eligible for consideration for a Sewer Service Charge Based On Usage; except, however, in the case of any premises listed as one account for billing purposes but consisting of two or more residential, commercial, retail or industrial units, the total annual MCF of water billed as sewage shall be divided by the total number of units, and only where the total annual water billed as sewage is in excess of 50 MCF per unit shall such premises be eligible for consideration for a Sewer Service Charge Based on Usage.
- Section 1.0812 Appeal from Determination of Executive Director or designated District staff - Any person whose application for a Sewer Service Charge Based on Usage or No Charge Status which has been denied or modified by the Executive Director or designated District staff may apply for a hearing pursuant to [Section 1.0303](#). Such application for review must be made within thirty (30) days of the determination by the Director. If such application is not made within thirty (30) days, then the determination of the Executive Director or designated District staff shall be final.
- Section 1.0813 Inspection by the Executive Director or designated District staff - Any premises receiving a Sewer Service Charge Based On Usage of the System or No Charge Status shall be periodically inspected by the Executive Director or designated District staff to determine whether the conditions originally justifying same are still in existence, and the terms set for the granting thereof are being met.
- Section 1.0814 Determination of Sewer Service Charge Based on Usage - Approved Method of Measurement - When a Sewer Service Charge Based On Usage of The System has been granted, the amount of the charge shall be determined by the use of a method of measurement approved by the Executive Director or designated District staff designed to ascertain either the amount of water loss

occurring within the premises or the actual amount of liquid wastes entering the System from said premises. Such approved method of measurement may include, but shall not necessarily be limited to, the use of sewer meters or re-registering water meters. Failure of any such measurement device will result in a sewerage service charge based upon the quantity of metered water used.

Section 1.0815 Sewer Service Charge Based on Usage Where Sewer Meter is Used - Where a Sewer Service Charge Based On Usage of The System has been granted and the approved method of measurement to determine the amount of water loss is a sewer meter, the sewer service charge to the premises shall be at the appropriate rate set forth in [Chapters 5](#) and [6](#) and shall be based on the reading at the sewer meter. Failure of any such measurement device will result in a sewerage service charge based upon the quantity of metered water used.

Section 1.0816 Sewer Service Charge Based on Usage Where Re-registering Meter is Used - Where a Sewer Service Charge Based On Usage of The System has been granted and the approved method of measurement to determine the amount of water loss is a re-registering meter, the sewer service charge to the premises shall be at the appropriate rate set forth in [Chapters 5](#) and [6](#) and shall be determined in one of the following ways:

- (a) In the instance where a re-registering meter(s) measures the amount of water loss (e.g. boiler makeup water), the sewer service charge to the premises shall be based on the reading at the main meter less the reading at the re-registering meter(s).
- (b) In the instance where a re-registering meter(s) measures the water supply at that point within the premises where it is intended to measure the amount of water discharged to the system rather than the amount of water loss, the sewer service charge shall be based on the reading of the re-registering meter(s).
- (c) Combinations of (a) and (b) above may be used as well.

Failure of any such measurement device will result in a sewerage service charge based upon the quantity of metered water used.

Section 1.0817 Annual Fees - In addition to the Sewer Service Charges computed pursuant to [Sections 1.0815](#) and [1.0816](#), an annual fee shall be charged to each account which has been granted a Sewer Service Charge Based on Usage. Annual fees shall be the following:

For the period beginning January 1, 2009: \$200.00

For the period beginning January 1,	2010	2011
	\$225.00	\$250.00

Failure to pay the annual fee will void eligibility for the program and forfeit the right to a usage credit. Upon receipt of the annual fee the User's eligibility will be restored and credits in subsequent quarters will be applied under the guidelines of this Title of the Code of Regulations. Failure to pay the annual fee for a period of one year will terminate the Sewer Service Charge Based on Usage and require re-application as set forth above.

- Section 1.0818 Adjustment of Sewer Service Charge Based on Usage of Re-registering Meter - Where re-registering meters are used to show the amount of water loss for a Sewer Service Charge Based on Usage, the Executive Director or designated District staff shall determine if any portion of said water loss returns to the System in the form of boiler blowdown, condensate, infiltration, or in any other form, and shall adjust the amount of sewer service charge based on usage to reflect such.
  
- Section 1.0819 Costs to be Borne by Applicant - All costs incident to the installation of the measuring system for a Sewer Service Charge Based on Usage shall be borne by the applicant. Such costs shall include all costs incident to the acquisition, installation, operation, maintenance and repair of an approved measuring system or device such as described in [Section 1.0813](#).
  
- Section 1.0820 Effective Date of Sewer Service Charge Based on Usage - A Sewer Service Charge Based on Usage, when granted, shall be effective from and after the first full billing period after the approved method of measurement is installed and functioning to the satisfaction of the Executive Director or designated District staff. Reimbursement of charges prior to approval of Sewer Service Charges Based On Usage of the System status are not available and shall not be made.
  
- Section 1.0821 Termination of Sewer Service Charge Based on Usage -The Executive Director or designated District staff shall terminate a Sewer Service Charge Based on Usage if it is determined the amount of the water loss is less than that shown by the approved method of measurement, that the actual volume of liquid waste entering the System is greater than that shown by the approved method of measurement; or if the Executive Director or designated District staff determines there has been a misuse or unapproved modification of the measuring system. If a Sewer Service Charge Based on Usage has been terminated pursuant to this Section a new application to establish such for the same premises will not be considered for a period of one (1) year.

The Executive Director or its designated District staff shall terminate a Sewer Service Charge Based On Usage that falls below the 50 MCF requirement pursuant to [Section 1.0811](#) for two consecutive four-quarter periods.

Section 1.0822 Non-Transferability of Sewer Service Charge Based on Usage –A Sewer Service Charge Based on Usage shall be non-transferable, Accounts with approved Sewer Service Charge Based on Usage shall be returned to a normal account status upon the transfer of ownership of the account .

## CHAPTER 9 - REGULATION OF DISCHARGES

- Section 1.0901 Definitions - Wherever they are used in this Chapter, the meaning of the following terms shall be as defined in this Section.
- (a) Owner - shall mean the record owner of the premises and/or the responsible person in control of the premises (e.g., lessee) .
- Section 1.0902 Purpose - It is the purpose of this Chapter to establish rules and regulations concerning discharges to the System, including the determination of the acceptability or unacceptability of discharges; the pretreatment of discharges which are not regulated under Title II of this Code of Regulations; and the establishment of specific limitations on certain discharges which are not regulated under Title II of this Code of Regulations.
- Section 1.0903 Access to Premises for Inspection of Discharge - Inspection Access Point may be Required - The Executive Director or designated District staff shall at all times have free access to the premises of any user of its facilities, and free access to the premises of any person reasonably believed by the Executive Director or designated District staff to be a user or possible user of its facilities, for the purpose of inspecting, sampling, or testing the discharge emanating therefrom, or any discharge which may emanate therefrom, in order to determine whether such discharge or potential discharge is taking place and/or is acceptable or unacceptable to the District. Where necessary, the Executive Director or designated District staff may require the owner of any premises which discharges to the System to install a suitable access point, monitoring or sampling site, together with such necessary meters, telemetry or other appurtenances, to facilitate observation, sampling, and measurement of the discharge, or potential discharge. Such an access point, monitoring or sampling site, together with such necessary meters, telemetry or other appurtenances, when required, shall be constructed in accordance with plans approved by the Executive Director or designated District staff. The access point and monitoring equipment shall be installed at the owner's expense and shall be maintained by the owner so as to be safe and accessible at all times.
- Section 1.0904 Inspection and Sampling - The District may inspect the facility of any User in order to determine compliance with the requirements of these regulations. The dischargers shall allow the District or its representatives, without prior notice, upon presentation of credentials of identification, to enter upon the premises of the User at all hours for the purpose of inspection, sampling, or records examination. Delays in permitting access to District personnel in excess of ten (10) minutes shall be considered a failure to comply with this Title of the Code of Regulations for purposes of [Section 1.0924](#). The District shall have the right to set up on the User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring, and/or

metering operations. Such devices may include electronic telemetry of alarms and sensors.

Section 1.0905 Acceptability or Unacceptability of Discharge - Determination by District -  
The Executive Director or designated District staff shall determine the acceptability or unacceptability of any discharge to the System. Such a determination shall be made on the basis of sound engineering and operational evaluations, taking into consideration the nature and concentration of the discharge, its point of entry into the System, its compatibility with other actual or potential discharges to the System, its compatibility with the conveyance or treatment facility receiving it, all applicable federal regulations, and all other factors pertinent to the effect of the discharge on any part of the System or treatment process.

Section 1.0906 Unacceptable Discharges - Unacceptable discharges shall include those which have been determined by the Executive Director or designated District staff to:

- (a) Contain materials or substances that may constitute a hazard to life and limb of personnel engaged in inspection, maintenance, and operation of the System.
- (b) Contain materials or substances that may be Toxic as defined in [Section 1.0276](#).
- (c) Contain materials or substances that may be in any way deleterious to any part of the System.
- (d) Contain concentrations of any toxic or deleterious materials or substances in excess of any limits set thereon in accordance with this Title of the Code of Regulations.
- (e) May cause the District to incur additional or extraordinary expense in the handling or treatment thereof.
- (f) May be incompatible with the treatment process or inhibit the performance of the treatment process at a District treatment facility.
- (g) May be of such volume or contain such BOD, suspended solids, or other material load that may cause the treatment facility to exceed its design capabilities.
- (h) May cause a treatment facility of the District to fail to meet effluent requirements or cause such effluent to have a degrading effect on the receiving body of water.

- (i) May contain viable pathogenic organisms in such quantities as to be a hazard to public health or to any District personnel.
- (j) May cause a treatment facility of the District to fail to meet effluent requirements as established under the District's NPDES Permit.

Section 1.0907 Unacceptable Discharges - Refusal of Service - The Executive Director or designated District staff may refuse the service of the District's facilities to any person whose discharge is determined by the Executive Director or designated District staff to be unacceptable in accordance with the provisions of this Chapter.

Section 1.0908 Unacceptable Discharges - Pretreatment Required - Administrative Order - Any User whose discharge has been determined by the Executive Director or designated District staff to be unacceptable in accordance with the provisions of this Chapter may be issued Administrative Orders to install and operate a pretreatment system designed to render said discharge acceptable. The Executive Director or designated District staff may issue Administrative Orders to any industrial user to require compliance with any requirement under these Code of Regulations, including without limitation applicable categorical pretreatment standards, other discharge limits, and reporting requirements.

Section 1.0909 Acceptable Methods of Pretreatment - Review by District - Rejection of Pretreatment Method - The acceptability of a pretreatment method for any given discharge and the terms for the installation and use thereof shall be reviewed by the Executive Director or designated District staff. Such a review shall be made on the basis of sound engineering and operational evaluations, taking into consideration all factors pertinent to the effect of the discharge both before and after pretreatment on any part of the System. If the pretreatment system is found to be unacceptable, then the Executive Director or designated District staff may refuse service under [Section 1.0907](#), or may require additional information or design modifications to make the pretreatment method acceptable.

Section 1.0910 Inspection of Pretreatment Facilities by District - Pretreatment facilities shall at all times be subject to inspection by the Executive Director or designated District staff in order to determine if such facilities may be efficiently performing the function for which they are installed.

Section 1.0911 Cost of Pretreatment to be Borne by User - All costs incident to pretreatment and all expenses incident to the acquisition, installation, operation, maintenance, and repair of pretreatment facilities shall be borne by the user. In addition, any additional or extraordinary administrative or investigative expenses incurred by the District as a result of the installation and use of pretreatment facilities shall be charged to the user.

Section 1.0912 Pretreatment System Malfunction – Notification Required - All users operating pretreatment systems as required by the District must report any outages or malfunctions of the pretreatment system to the District upon discovery but no later than eight (8) hours after discovery of such outage or malfunction by calling 216-641-6000 (216-641-3200 during off hours)

Section 1.0913 Discharge of Certain Materials and Substances Prohibited - No person shall release or cause to be released or allow to run, leak, or escape into the District's sewerage system any discharge containing any materials or substances considered by the District to be toxic as defined in [Section 1.0276](#) or to be in any way deleterious to any part of the District's sewerage system or treatment process. Certain materials shall by their nature be considered by the District to be toxic or deleterious. Such materials or substances shall include, but not necessarily be limited to:

- (a) Construction materials, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, paunch manure, fur, wax or any solid or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system.
- (b) Any gasoline, benzene, naphtha, fuel oil, organic solvent, or other flammable or explosive liquids, solids, or gases, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Centigrade) using the test method specified in 40 CFR 261.21.
- (c) Steam or hot water above 150 degrees Fahrenheit (65 degrees Centigrade).
- (d) Any water or waste containing petroleum oil, nonbiodegradable cutting oil or products of mineral origin in sufficient quantities to pass through or interfere with District operations, or, at the discretion of the Executive Director or designated District staff, water or wastes containing fats, wax, grease, or oil regardless of origin, and whether emulsified or not, in excess of 250 mg/L or containing substances which may solidify or become viscous at temperatures between 33 degrees and 150 degrees Fahrenheit (1 degree and 65 degrees Centigrade).
- (e) Any waters or wastes having a pH lower than 5.0 or higher than 12.5 or having any other corrosive property with the potential to cause damage or hazard to structures, equipment of the sewerage system, or personnel employed in its operations.
- (f) Coal tar, its derivatives and wastes.

- (g) Any liquids or wastes containing toxic or poisonous substances in sufficient quantities or rates of flow as to injure or interfere with any of the sewage treatment process, to constitute a hazard to human beings or animals, or to create any hazard in the receiving waters.
- (h) Brine from gas, oil, or water well drilling operations.
- (i) Any water or wastes that are derived from the manufacture or blending of products containing certain bioaccumulative chemicals of concern (BCCs) or that are brought into a facility for the purpose of reclamation, recovery, or treatment of these chemicals, which include but may not be limited to: chlordane, 4,4'-DDD (p,p'-DDD, 4,4'-TDE, p,p'-TDE), , 4,4'-DDE (p,p'-DDE), 4,4'- DDT (p,p'-DDT), dieldrin, hexachlorobenzene, hexachlorobutadiene (hexachlor-1,3-butadiene), hexachlorocyclohexanes (BHCs), alpha-hexachlorocyclohexane (alpha-BHC), beta-hexachlorocyclohexane (beta-BHC), delta-hexachlorocyclohexane (delta-BHC), lindane (gamma-hexachlorocyclohexane, gamma-BHC), mirex, octachlorostyrene, PCBs (polychlorinated biphenyls), pentachlorobenzene, photomirex , 2,3,7,8-TCDD (dioxin), 1,2,3,4-tetrachlorobenzene, 1,2,4,5-tetrachlorobenzene, toxaphene.

Section 1.0914 Discharge of Certain Materials Permitted Conditionally - Certain toxic substances and pathogenic organisms, the acceptance of which into the System would otherwise be prohibited, shall be acceptable in the discretion of the Executive Director of designated District staff if (a) reduced by treatment or Best Management Practices (BMPs) as defined under [Section 1.0203](#) at the source to a point that will meet the general purposes of these rules and regulations or come within any applicable standards set thereon now or hereafter in accordance with [Section 1.0915](#), or (b) no pretreatment standard has been established under [Section 1.0915](#) and the substance or organism is discharged in such small concentrations so as to not be injurious to personnel, sewers, any biochemical, biological, or other sewage treatment process, or receiving waters. Such substances shall include, but not necessarily be limited to:

- (i) Any alcohols, antibiotics, arsenic, arsenicals, bromine, iodine, chlorine, copper, copper salts, cresols, creosotes, fluorine, formaldehydes, mercury, mercuricals, phenols, phenol derivatives, silver, silver compounds, silvermides, dyes (organic or mineral), or zinc.
- (ii) Any strong oxidizing agents such as chromates, dichromates, permanganates, or peroxides.

- (iii) Any chemical compounds producing toxic, flammable, or explosive gases either upon evaporation, acidification, alkalization, oxidation or reduction.
- (iv) Any strong reducing agents such as nitrites, sulfides, sulfites, and thiosulfates.
- (v) Any waste from industrial processes, hospital procedures or commercial processes containing viable pathogenic organisms.

Section 1.0915 Specific Limitations on Certain Materials and Substances in Discharges - (Compatibility with Regulatory Agency Requirements) - Certain substances or materials shall be considered by the District to be toxic or deleterious in nature as to require specific limitations on their concentration or quantity in any discharge, at any time, to the District's sewerage system, whether or not such discharge has been subjected to any form of pretreatment. Such substances or materials and their allowable concentrations shall include but not necessarily be limited to those listed below:

<u>Substance or Material</u>	<u>Concentration</u>	
Metals		
Cadmium	2 mg/L	
Chromium, Hexavalent	10 mg/L	
Chromium, Total	25 mg/L	
Copper	3 mg/L	
Nickel	10 mg/L	
Iron	50 mg/L	
Zinc	15 mg/L	
Lead	2 mg/L	
Cyanide		
Cyanide (Cl <sub>2</sub> amenable)	2 mg/L	
Total Cyanide	10 mg/L	
Phenol	50 mg/L	
Solvents		
Carbon Tetrachloride	} Maximum Combined Concentration	1 mg/L
Tetrachloroethylene		
Trichloroethylene		
Methylene Chloride		25 mg/L
1,1,1, Trichloroethane		25 mg/L
Chlorobenzene		25 mg/L
O-dichlorobenzene		25 mg/L
Creosols		25 mg/L
Cresylic Acid		25 mg/L
Nitrobenzene		25 mg/L
Toluene		25 mg/L
Carbon Disulfide		25 mg/L

Isobutanol	25 mg/L
Spent Chlorofluorocarbon solvents	25 mg/L
Methyl Ethyl Ketone	25 mg/L
Maximum combined solvent limitation	250 mg/L

Mercury Except where application of the most sensitive analytical method approved under 40 CFR Part 136 for mercury in wastewater demonstrates to the District's satisfaction that no mercury is detectable in the user's discharge to the System, all Industrial Users are, for the purpose of this Section, sources of mercury. All Industrial Users that are sources of mercury shall implement Best Management Practices (BMPs) as defined under [Section 1.0203](#), to minimize discharges of mercury to the system. Certain Industrial Users and/or classes of Industrial Users identified by the District as significant sources of mercury shall comply with District-issued administrative orders requiring submittal and implementation of BMP plans for mercury discharge minimization. Any Industrial User that is a source of mercury failing to implement BMPs in a manner and to an extent satisfactory to the District and/or failing to fully comply with requirements in an administrative order shall be subject to charges as indicated under [Section 1.0924](#) and/or refusal of service as indicated under [Section 1.0907](#).

The above limitations are intended to apply to all industrial users within the Northeast Ohio Regional Sewer District. If State or Federal regulatory agency regulations require a specific pretreatment concentration for a specific industry, the more stringent concentration level between this Title of the Code of Regulations and such regulations expressed in Title II of this Code of Regulations will apply.

Section 1.0916 Discharges Containing Ground Garbage - Approval of Certain Size Grinders Required - Any otherwise unacceptable discharge to the District's sewerage system containing garbage may be made acceptable by means of grinding and liquefying, provided however, that the installation and operation of any garbage grinder equipped with a motor of three-fourth (3/4) horsepower (0.76 h.p. metric) or greater shall be subject to review and approval by the District prior to such installation and operation and to periodic inspection by the District thereafter.

Section 1.0917 Discharge Containing Acids and Bases - Neutralization Required - Any waters or wastes which are unacceptable pursuant to [Section 1.0913](#) (e) shall be neutralized, or subjected to some other acceptable method of pretreatment

in order to render it acceptable to the District in accordance with the provisions of this Chapter prior to its discharge to the System. If necessary, the use of automatically operating neutralization and monitoring equipment shall be required. If, upon neutralization, the discharge is sufficiently high in ionic strength as to continue to be unacceptable, further pretreatment shall be required, the provisions of [Section 1.0913](#)(e) notwithstanding.

- Section 1.0918 Discharge of Odors - Control by Owner Required - It shall at all times be the responsibility of the owner to eliminate or control the emission of offensive odors to the System or the development of offensive odors in the System as a result of a discharge. Whenever the Executive Director or designated District staff determines that offensive odors emanating from building sewers or resulting from a discharge are present, the owner may be required to take whatever steps are necessary to eliminate such odors from the system. The cost of any devices, which may be necessary to eliminate or control such odors, and all attendant expenses shall be borne by the owner.
- Section 1.0919 Prevention of Accidental Release of Unacceptable Substances - There shall be no connection to the System from any vessel, tank, container, or receptacle of any kind used to receive, hold, store, or in any other way handle any toxic or deleterious materials or substances, the discharge of which is prohibited by [Sections 1.0913](#), [1.0914](#), or [1.0915](#), through which quantities of such materials or substances could accidentally or otherwise be discharged directly or indirectly into the System. Persons who in the course of their business or otherwise transport, store, receive, ship, or in any other way handle or process any such materials or substances shall take precautions to prevent accidental spillage of such substances to any connection to the System by way of floor drains, basins, catch basins, down spouts, gutters, manholes, or any other such connection. Whenever the Executive Director or designated District staff determines that accidental spillage has occurred through any connection to the System as described above, the owner may be required to eliminate the connection.
- Section 1.0920 Accidental Release of Unacceptable Discharge - Notification - Charges - In the event of any accidental release to the System of any unacceptable discharge or of any substances or materials considered by the District to be toxic or deleterious as provided in this Chapter, it shall be the responsibility of the user to notify the District immediately, and in no case later than one (1) hour following such a discharge, at telephone number 216-641-6000 (216-641-3200 off hours) so that remedial action can be taken. Costs incurred to correct any damage resulting from such a discharge shall be charged to the discharger and failure to report such a discharge shall result in a minimum charge of \$1000 up to a maximum charge of \$5000, in addition to the costs of correction. The amount of the charge to be imposed shall be determined by the Board of Trustees, upon recommendation of the Executive Director or designated District staff. Each such discharge shall be considered separately and costs and charges shall be levied accordingly. Each occurrence of such a

discharge shall be and is hereby deemed to be a separate discharge and charges shall be levied accordingly. Such charges shall be collected by the District in the same manner as all other charges set by the District.

- Section 1.0921 Special Agreements - Applications to District - Whenever necessary or expedient in order to carry out the provisions of this Title of the Code of Regulations, the District may enter into special agreements with the users of District's facilities setting forth terms under which the discharge of such users will be acceptable to the District. Such agreements shall be made only in accordance with an application therefor pursuant to the provisions of this Title of the Code of Regulations. Neither State nor Federal regulations may be superseded by any special agreement.
- Section 1.0922 Discharge of Unpolluted Water Where Storm Sewer is Available - Whenever separate storm and sanitary sewers are provided, required, or in use in any areas of the District, all unpolluted water including all unpolluted storm water, surface water, ground water, roof runoff, uncontaminated cooling water, subsurface drainage, or unpolluted industrial process water shall be discharged to the storm sewer. Whenever in such areas any such unpolluted water discharging to the sanitary sewer, the Executive Director or designated District staff shall require such discharge to be connected to the storm sewer at the expense of the user.
- Section 1.0923 Appeal from Determination Regarding Discharge - Any person whose discharge has been determined by the Executive Director or designated District staff to be unacceptable in accordance with this Title of the Code of Regulations or who disagrees with any other determination of the Executive Director or designated District staff hereunder shall have thirty (30) days from the date of such determination to apply for a review thereof, in accordance with [Section 1.0303](#).
- Section 1.0924 Failure to Comply with Discharge Regulations – Charges - Any failure to comply with any provision of this Chapter of this Title of the Code of Regulations may result in a charge against the person or premises so failing to comply in the minimum amount of \$100, but not to exceed \$2000 for each violation. The amount of the charge to be imposed shall be determined by the Board of Trustees, upon recommendation of the Hearing Examiner. In addition, said person or premises shall be liable for any damages which occur to the System as a result of such failure to comply with any provision of this Title of the Code of Regulations, and each such failure to comply is hereby deemed to be a distinct and separate failure, and charges shall be levied accordingly. Such charges shall be collected by the District in the same manner as all other charges set by the District.
- Section 1.0925 Additional Monitoring Charges - In addition to any other charges which may be levied pursuant to this Title of the Code of Regulations, the District may charge to any user the cost of monitoring said user's discharge to the system.

This includes all costs associated with sampling and analyses for total toxic organics (TTOs) as required pursuant to the Federal pretreatment requirements, or costs associated with inspection or analysis of wastewater associated with maintenance or removal of storage tanks. Such charges may include but shall not be limited to the cost of labor, materials, overhead, equipment rental, analytical expenses and other expenditures which may be suffered by the District as a result of monitoring any discharge to the system for the purpose of determining compliance with any provision of this Title of the Code of Regulations, or for the purpose of determining the nature, characteristics, and make-up of the user's waste discharge. Said charges may be levied at any time the District determines that the cost of monitoring the waste discharge of any one user is disproportionately higher than the cost of normal monitoring of most users, and shall be levied in each and every case where a charge is levied pursuant to [Section 1.0924](#).

Section 1.0926

Storage Tank/Temporary Discharge Permits - Any owner or operator of a storage tank that is undergoing installation, maintenance or replacement or any other process that would generate a temporary discharge of wastewater must obtain a permit from the District prior to discharging said wastewater to the public sewer system. The application for the permit will be submitted to the District on the forms provided and contain the following information:

- (a) the expected volume of the discharge,
- (b) the requested date of the discharge,
- (c) a chemical analysis of the proposed discharge. The analysis shall contain the organic fraction of the components, or the inorganic fraction, or both, depending upon the nature of the proposed discharge and as required by the District, and
- (d) a listing of storage tank contents and regulatory status at the time of closure and removal.

The District shall determine concentrations of pollutants accepted or prohibited. If flow metering is necessary, a District-approved metering device shall be required.

Section 1.0927

Storage Tank/Temporary Discharge Permit Fees - The permit fee for the determination of acceptability and treatment costs associated with the disposal of storage tank wastewater, storage tank excavation pit water, or other such wastewater discharged on a temporary basis shall be \$100.00. This fee shall be submitted along with completed permit forms.

Holders of these permits will be billed for the volume of wastewater discharged to the system. No quarterly bill for Storage Tank/Temporary Discharge Permit holders rendered by the Northeast Ohio Regional Sewer

District may be less than that resulting from the applicable rate for one thousand (1000) cubic feet of water.

- Section 1.0928 Dilution Prohibited - No discharger shall increase the use of potable or process water in any way, nor mix separate waste streams, for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this Title of the Code of Regulations.
- Section 1.0929 Self-monitoring Requirements - The District may impose self-monitoring requirements on any Industrial User whose discharge has been determined by the Executive Director or designated District staff to contain pollutants or properties with the potential to cause deleterious or toxic effects to the sewerage system, its personnel, treatment processes, or to the receiving stream.
- Section 1.0930 Information Submittal Requirements - The District may require any Industrial User as defined in [Section 1.0226](#) to develop, collect, and report information concerning purchase, storage, usage, and disposal of any chemical constituents of concern as determined by the Executive Director or designated District staff, including such chemical constituents contained in raw materials, by-products, waste products, and/or final products.
- Section 1.0931 Notification of Changed Discharge - All Industrial Users are required to promptly notify the District in advance of substantial changes in the volume or character of discharge. A substantial change is any change that affects the flow or chemical loading by more than ten percent (10%).

**CHAPTER 10 - CONTROL OF SCAVENGER WASTES AND  
PUBLICLY OWNED SEWAGE TREATMENT  
PLANT SLUDGES**

- Section 1.1001 Definitions - Wherever they are used in this Chapter, the meaning of the following terms shall be defined in this Section.
- (a) Reprocessor or Pretreater - shall mean any person, company or corporation engaged in the receiving of scavenger waste for the purpose of reprocessing, reclamation, recovery, or pretreatment of such wastes wherein any or part of the chemical substance, by-product, residual, contaminant, or liquid fraction is or could be discharged directly or indirectly into the sewer system.
  - (b) Publicly Owned Sewage Treatment Plant Sludge – POTW sludge - shall mean any liquid or semi-liquid scavenger waste generated during the operation of a publicly owned sewage treatment plant.
- Section 1.1002 Purpose - It is the intent of this Chapter to regulate and control scavenger wastes and to regulate POTW sludge. Regulation for the control of septic tank wastes and wastes from package sewage treatment plants that are conveyed to a District treatment facility for treatment are presented in [Chapter 7](#).
- Section 1.1003 Disposal Point - No hauler shall discharge any scavenger wastes or publicly owned sewage treatment plant sludges into any sewer, manhole, catch basin, or any appurtenance thereto or into any natural watercourse. All loads of POTW sludge must be taken to the Southerly Wastewater Treatment Plant, 6000 Canal Road, Cuyahoga Heights, Ohio. Hours of operation will be determined by operational considerations of the District and the hauler will be so notified.
- Section 1.1004 Waste Hauled to a District Wastewater Treatment Facility -
- (a) No scavenger waste will be accepted at a District wastewater treatment facility.
  - (b) Any hauler of POTW sludge intending to deliver said waste to a District facility must first make a written request to the District. This request will contain as a minimum the following information:
    - (1) Volume of the waste.
    - (2) Expected frequency, volume and duration of delivery.

- (3) Source of the waste.
  - (4) Description of the expected chemical constituents.
  - (5) Any additional information that may be necessary to properly classify this waste, at the request of the Executive Director or designated District staff.
- (c) Analytical/Monitoring Costs - The hauler is responsible for District costs incurred in the analysis of sampling, even if the acceptance for the POTW sludge is denied. The hauler is also responsible for any analytic costs for spot-check analyses. Current analytical pricing shall be available upon request.
- (d) Representative Sample Required - The hauler of POTW sludge for disposal at a District facility must deliver a representative sample of the POTW sludge for which permission to discharge is sought. The District shall perform testing to ensure the material is free of toxic and deleterious levels of chemical substances and is treatable by the District treatment facility.
- (e) Volume of Publicly Owned Sewage Treatment Plant Sludges - Unless otherwise authorized by the Executive Director or designated District staff, the volume in gallons of POTW sludge shall be equal to the weight in pounds of the tanker vehicle loaded minus the weight in pounds of the tanker vehicle empty divided by 8.34. The weight shall be determined by the weight scales at a designated District Treatment Plant.
- (f) Treatment Charges for Publicly Owned Sewage Treatment Sludges -

- (1) Charges for POTW sludge generated within the jurisdictional boundaries of the District shall be determined based upon the following cost factors:

Flow =	\$9.95 per 1,000 gallons
Suspended Solids =	\$0.45 per pound
BOD =	\$0.30 per pound

Based upon the analyses of representative samples, the District may determine a fixed fee per unit volume of sludges and charge that fee as long as the cost factors and characteristics of the sludge remain reasonably consistent.

- (2) Charges for POTW sludge generated outside the jurisdictional boundaries of the District shall be determined based upon the following cost factors:

Flow =	\$9.98 per 1,000 gallons
Suspended Solids =	\$0.51 per pound
BOD =	\$0.36 per pound

Based upon the analyses of representative samples, the District may determine a fixed fee per unit volume of sludges and charge that fee as long as the cost factors and characteristics of the sludge remain reasonably consistent.

- (g) Refusal of Service - The District may refuse the services of its facilities for the treatment of POTW sludge if said waste material to be delivered to the treatment facilities is determined to:
  - (1) Have the potential to be deleterious to the treatment facility or appurtenances thereto;
  - (2) Have the potential to cause unusual expense in the handling and treatment thereof unless provisions are made per [Section 1.1004](#) (f) above;
  - (3) Have the potential to inhibit the performance of the treatment process;
  - (4) Have the potential to cause the plant to fail to meet effluent limitations.
- (h) Forfeitures of Services for Noncompliance - Haulers of POTW sludge shall forfeit the right to use the services of the District's treatment facilities for noncompliance with any Section of this Chapter.

Section 1.1005 Intracompany Transfer of Wastes - No company may transfer waste substances from a company-owned facility outside the jurisdiction of the District to a company-owned facility within the jurisdiction of the District for purposes of using the sewer system for disposal.

Section 1.1006 Scavenger Waste Treatment at a Private Facility - Notification - Any company engaged in the acceptance of scavenger wastes for treatment, reclamation, or recovery and intending to use the sewer system for disposal of any part of these scavenger wastes, by-products, contaminants, or liquid fraction, must notify the District that they are engaged in such an activity.

Section 1.1007 Scavenger Waste Special Agreement - Any person engaged in reprocessing, reclamation, recovery, or treatment of chemical substances or any liquid waste, scavenged and brought to a premise within the jurisdiction of the District where any or part of the substances, by-products, contaminant, or liquid fraction, may enter the sewer system by any direct or indirect discharge,

must have specific permission of the District for said discharge. Permission for such a discharge may be in the form of a written agreement. The reprocessor or pretreater shall furnish the Executive Director or designated District staff information including, but not limited to the sources of the scavenger wastes, volumes, chemical constituency, degree of reprocessing and pretreatment, and the nature and volume of the expected or actual discharges to the sewer system. The Executive Director or designated District staff shall determine what chemical substances can be reprocessed or pretreated which would result in an acceptable discharge to the sewer system. This determination shall be included in the agreement and the reprocessor or pretreater shall be limited by said determination. No other chemical substances or scavenger wastes taken to the private facility for the purpose of reprocessing or pretreating shall be allowed except by amendment to the agreement.

- Section 1.1008 Reprocessors or Pretreaters of Scavenger Wastes - Analysis Required - All persons engaged in the reprocessing or pretreatment of scavenger wastes are required to analyze the discharge to the sewer system. The chemical parameters, frequency of sampling, analyses, method of analyses and frequency of reporting shall be determined by the Executive Director or designated District staff and this determination shall be included in the agreement required in [Section 1.1007](#).
- Section 1.1009 Monitoring and Flow Metering Point - All persons engaged in the reprocessing or pretreatment of scavenger wastes shall provide an inspection chamber as provided for in [Section 1.0903](#).
- Section 1.1010 The District's Right to Limit Scavenger Wastes - The District reserves the right to limit the volume or concentration of or set maximum loadings on scavenger wastes that are discharged to the sewer system.
- Section 1.1011 Failure to Comply - Charges - Charges for failure to comply with any provision of this Chapter or of any provision of [Chapter 9](#) of this Title I-Sewer Use Code are described in [Section 1.0924](#). In addition, the District may close any connection to the sewer system for reoccurrence of violations of this Title of the Code of Regulations pursuant to O.R.C. Section 6119.08.

Section 1.1012 Haulers of Publicly Owned Treatment Plant Sludges - Access to Premises Denied - A hauler of publicly owned treatment sludges may be denied access to a District treatment facility if the hauler:

- (a) misrepresents the nature or source of material that is being hauled, or
- (b) refuses to follow security, safety, traffic or disposal directions of District personnel.

## **CHAPTER 11 - DISTRICT OWNED FACILITIES**

Section 1.1101 District Owned Facilities Exempt from Charges - Facilities owned by the District, when utilized solely for District purposes, shall be exempt from all sewerage charges.

## CHAPTER 12 - ACCEPTANCE

- Section 1.1201 Acceptance - By discharging to the system of the District, the discharging party agrees to comply with all terms and regulations of the District and to be bound by said terms, conditions and regulations.
- Section 1.1202 Severability - If the provisions of any paragraph, subsection, section or article of this Title are declared 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.