

CODE OF REGULATIONS OF THE  
NORTHEAST OHIO REGIONAL SEWER DISTRICT

TITLE IV

COMBINED SEWER CODE

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

**TITLE IV - COMBINED SEWER CODE**

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**Chapter 1 - Title, Distribution, Applicability, and Statutory Authority**

- Section 4.0101     Title and Distribution – This Title of the Code of Regulations of the Northeast Ohio Regional Sewer District (District) shall be known as Title IV - Combined Sewer Code and may be separately printed and distributed.
- Section 4.0102     Applicability – This Title is applicable to all Communities served by the District that have Combined Sewers or are tributary to the District's Combined Sewer System.
- Section 4.0103     Other Titles – The provisions of this Title are intended to be read in conjunction with, and complement, other provisions of the Code of Regulations.
- Section 4.0104     Severability – If the provisions of any paragraph, section, or article of this Title are declared unconstitutional or invalid by the final decision of any court of competent jurisdiction, the provisions of the remaining paragraphs, sections, or articles shall continue in full force and effect.
- Section 4.0105     Acceptance – By discharging into any system which is tributary to or directly discharges to the Combined Sewer System of the District, or by discharging directly to the Combined Sewer System of the District, the Community agrees to comply with all terms and regulations of the District, and to be bound by them.

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### Chapter 2 - Definitions

- Section 4.0201     Definitions – the meaning of the following terms where they are used in Title IV of the Code of Regulations shall be as follows, unless the content specifically indicates otherwise.
- Section 4.0202     “Board” or “Board of Trustees” – shall mean the governing body of the District.
- Section 4.0203     “Chief Executive Officer (CEO)” – shall mean the Chief Executive Officer of the District.
- Section 4.0204     “Combined Sewer” – shall mean a sewer designed to receive and transport both Sanitary Sewage and stormwater runoff.
- Section 4.0205     “Combined Sewer Overflow” or “CSO” – shall mean an overflow from a Combined Sewer to a conduit designed for stormwater runoff only or to an open body of water.
- Section 4.0206     “Combined Sewer System” – shall mean Combined Sewers, designed to convey only municipal Sanitary Sewage (domestic, commercial and industrial Wastewater) and stormwater runoff to any of the District’s three wastewater treatment plants or to a CSO Outfall. This includes any Separate Sanitary Sewers and/or Storm Sewers directly tributary to a Combined Sewer.
- Section 4.0207     “Combined Sewer Overflow Outfall” or “CSO Outfall” – shall mean an outfall structure in the District’s Combined Sewer System authorized to convey Combined Sewer Overflow discharges.
- Section 4.0208     “Community” – shall mean any city, village, township, county, or other entity, other than the District, owning public sewers wholly or partly located within the District’s service area.
- Section 4.0209     “District Sewer” – shall mean any sewer, pump station, or force main owned, operated, and/or maintained by the District as identified in the District’s Court Order Description of Interceptors, or any modification thereof or any other applicable agreements; any interceptor, pump station, Regulator, flow divider, green infrastructure facilities, force main or inter-Community relief sewer that the District has constructed as its own facility; or any other sewer, pump station, or force main of District ownership. Service laterals and catch

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basin connections are not included in this definition and are not considered District Sewers, except where specifically designated by the District as District Sewers.

- Section 4.0210      “Dry Weather Overflow” – shall mean any overflow from the Combined Sewer System that results in a discharge or release from a District CSO that consists of non-precipitation related flows where there has not been a measurable precipitation or snowmelt event within the preceding twenty-four-hour period.
- Section 4.0211      “Flow Divider” – shall mean a structure designed to separate the incoming flow and discharges into two or more sewers.
- Section 4.0212      “Local Sewer” – shall mean any sewer, service lateral, catch basin connection, pump station, force main, or other piece of sewer infrastructure that is not a District Sewer.
- Section 4.0213      “Regulator” – shall mean a structure designed to regulate sewer flow by conveying dry-weather flow to the main sewer and allowing excess flow to discharge into the environment through an overflow pipe.
- Section 4.0214      “Sanitary 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 4.0215      “Separate Sanitary Sewer” – shall mean a sewer designed to receive and transport solely Sanitary Sewage.
- Section 4.0216      “Separate Storm Sewer” – shall mean a sewer that is designed to receive and transport solely stormwater runoff and/or unpolluted cooling water.

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**Chapter 3 - Purpose and General Conditions**

Section 4.0301 Purpose - The purpose of this Title is to:

- (a) Ensure that peak flow rates in the District's Combined Sewer System are maintained.
- (b) Ensure that discharge from Communities does not impede on-going compliance with the CSO Long Term Control Plan and the District's National Pollutant Discharge Elimination System (NPDES) permit for CSO Outfalls.
- (c) Establish Community discharge permit requirements.
- (d) Outline requirements for Communities to develop and implement a Community Compliance Plan.

**Chapter 4 - Community Discharge Permits**

Section 4.0401 Community Discharge Permits – The District will issue Community discharge permits (Permits) to Communities. Permits will include the following:

- (a) Schedule for preparation and submittal of a Community Compliance Plan to fulfill requirements listed in this Title.
- (b) A requirement for the Community to prohibit from causing or allowing:
  - i. The introduction of stormwater connections to any Separate Sanitary Sewer tributary to the Combined Sewer System.
  - ii. Addition of any CSO Outfalls or Regulators.
  - iii. New Combined Sewers, which does not include the replacement, repair, and maintenance of existing Combined Sewers.
  - iv. Any increase to CSO Outfalls' volumes or activations.
- (c) A requirement for the Community to identify and disclose to the District all CSO Outfalls, Flow Dividers, and Regulators known or which become known to the Community that are not included in the District's inventory of permitted CSO Outfalls and Regulators.
- (d) A requirement for the Community to report, prevent, and eliminate Dry Weather Overflows and ensure that the Combined Sewer System operates efficiently during periods of both dry and wet weather. The Community shall report all Dry Weather Overflows to the appropriate state or federal agency within the required timeframe including any required follow-up reports. Written reports shall include a description of the cause of the overflow and the corrective measures taken or currently underway to eliminate the overflow. The District shall be copied on all such reports. Upon discovery, the Community must take steps to correct the circumstances that caused the Dry Weather Overflow .
- (e) A requirement for the Community to require any new or rehabilitated building's Separate Sanitary Sewer laterals to be separate from the building's Separate Storm Sewer laterals. The Separate Storm Sewer laterals shall be evaluated for connection to the existing onsite or adjacent Separate Storm Sewers, and shall be connected to those Separate Storm

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Sewers, provided capacity exists within the sewer and does not cause issues downstream.

- (f) A requirement for the Community to require any new or rehabilitated building's Separate Sanitary Sewer laterals and Separate Storm Sewer laterals to be joined at the property line prior to connection to an existing Combined Sewer, provided that the Separate Storm Sewer laterals cannot be connected to the existing onsite or adjacent Separate Storm Sewer, in accordance with 4.0401(e).
- (g) A requirement for the Community to ensure that applications for connections to the Combined Sewer System for all proposed development or redevelopment activities are submitted to the District for review and receive from the District a determination of no objection prior to construction, in accordance with Chapter 6.
- (h) A requirement for the Community to provide its review comments on the Stormwater Management Plans for all proposed development or redevelopment activities to the District upon request.
- (i) A requirement for the Community to keep and maintain its Local Sewer records and data and provide them, as specified in the Permit, to the District.
  - i. Records and data must be maintained for all Local Separate Sanitary Sewers, Combined Sewers, and Separate Storm Sewers, as well as for Separate Storm Sewer outfalls identified in applicable NPDES Municipal Separate Storm Sewer System (MS4) Permits, open and culverted streams, and any other Watercourses in the Community.
  - ii. All records and data shall be submitted in compliance with the District's minimum data submittal standards.
- (j) A requirement that the Community comply with the provisions of Chapter 6 and annually certify compliance with Section 4.0606 of Chapter 6.

Section 4.0402 Permit Issuance and Approval Process – The following process will be used to issue and modify Permits:

- (a) A draft Permit will be issued to a Community by certified mail.



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- (b) The District will consider all comments on draft Permits that are received within a period of forty-five calendar (45) days following issuance of the draft Permit. All draft Permit comments must be sent to the District's Community Discharge Permit Program Manager at the NEORS Administration Offices – 3900 Euclid Avenue, Cleveland, Ohio 44115.
- (c) Permits will be submitted to the CEO for approval at an appropriate juncture. An appropriate juncture shall be:
  - i. When the District and the Community agree on the terms and conditions of the Permit;
  - ii. When the Community fails to respond to the draft Permit within the forty-five (45) day comment period; or
  - iii. When the District and the Community cannot agree on the terms and conditions of the Permit. In such circumstances, the District's version of the Permit and the Community's comments shall be submitted to the CEO or the CEO's designee for review. The CEO shall review the District's version and the Community's comments and take steps deemed necessary by the CEO to resolve a final version of the Permit.
- d) A Permit shall become effective upon signature of the CEO.

Section 4.0403 Public Notice – The District will provide copies of draft and final Permits and Permit modifications to Communities that both border a permitted Community and receive flow from that Community. These Communities may submit comments in accordance with Section 4.0402 (b).

Section 4.0404 Annual Compliance Report – A Community shall provide an Annual Compliance Report updating the District on the Permit requirements and the status and progress of Community Compliance Plan. Updates of records and data required by Section 4.0401(d) must be provided to the District with the Annual Compliance Report and certified as follows:

*I certify that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best*

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*of my knowledge and belief, true, accurate, and complete.*

This report must be submitted by April 30<sup>th</sup> each year and shall cover the previous calendar year. The report must be submitted to the District Community Discharge Permit Program Manager.

Section 4.0405 Appeal of Permit – A Community may request a hearing pursuant to Section 1.0304 of Title I - Sewer Use Code and the Rules of Procedure to appeal the final Permit to the Board. A request for a hearing must be made within thirty (30) calendar days following issuance of the Permit.

Section 4.0406 Permit Modification – A Permit can be modified in the following fashion:

- a) To request a modification of its Permit, a Community shall send a Permit modification request to the District's Community Discharge Permit Program Manager by certified mail. The Permit modification request should be accompanied by the Community's proposed Permit language, justification for the request, and any supporting documents the Community wants the District to consider. The District shall respond to the Community within forty-five (45) calendar days of receipt of the modification request. The Community may appeal the District's response using the process outlined in 4.0405 within thirty (30) calendar days of the response.
- b) The District may modify a Permit by following the procedure set forth in Section 4.0402 for Permit Issuance and Approval. The Community may appeal the Permit modification using the process outlined in Section 4.0405.
- c) The CEO has the authority to sign Permit modifications, including where the Board of Trustees originally approved the Permit.

**Chapter 5 – Community Compliance Plan**

Section 4.0501 Community Compliance Plan – Each Community shall develop, document, and implement a plan to comply with the requirements of its Permit. This Community Compliance Plan (Plan) must, at a minimum:

- a) Include the specific mechanisms and schedule by which each permit requirement will be met, including requirements in 4.0401 (a-j)
- b) Develop a process for the submittal to the District of all applications for connections to the Combined Sewer System for all proposed development or redevelopment activities for review and determination of no objection prior to construction in accordance with Chapter 6.
- c) Develop Best Management Practices (BMPs) for Local Sewers that are either Combined Sewers or sewers tributary the Combined Sewer System and explain how the Community will implement the BMPs. BMPs are operation and maintenance methods that maximize the efficiency of Separate Sanitary Sewers, Separate Storm Sewers, and Combined Sewers, reduce or eliminate overflows, minimize pollutant concentrations, and promote the general integrity of sewers.

Section 4.0502 District Review – The District will assess and accept or reject a Community Compliance Plan submitted by a Community. The District may request additional information or modifications, which the Community shall provide. The District will review submitted Plans within sixty (60) calendar days of receipt. These review timeframes shall not begin until the District has determined the submittals are complete. The District assumes no liability as a result of such review or approval.

The District’s acceptance of a Community’s Plan does not replace or substitute for any project approval required by any local, state, or federal agency. Prior to construction, Communities may be required to submit projects for District review pursuant to Chapter 6 of this Title, if applicable.

Section 4.0503 The District may reject the Plan if it finds:

- a) The Plan will not achieve the objectives of this Title, the Plan is insufficient

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to meet the Community's Permit requirements, or the Plan does not comply with the requirements of 4.0501.

- b) The Plan cannot be implemented in a reasonable time period, as determined by the District.
- c) The Plan will in any way hinder management and operation of any aspect of the District, any District Sewer, or any Local Sewer.
- d) The Plan is unacceptable because it violates an obligation of the District under state or federal law, rules or regulations, enforcement orders, or a condition imposed due to receipt of financial assistance from grantor/lender agency.

Section 4.0504 Incorporation of Community Compliance Plan – Upon acceptance by the District of a Plan, the Plan shall be deemed incorporated into the respective Permit. The District will notify the Community upon acceptance of the Plan.

Section 4.0505 Modification of Plans – At any time, the Community may request a modification be made to an accepted Plan. The request shall be made in writing to the attention of the Community Discharge Permit Program Manager. Modifications requested by a Community will be reviewed in accordance with the process set forth in Sections 4.0502 and 4.0503. The District may request a modification of an accepted Plan when the Plan no longer serves the purpose of the Permit. Modifications sought by the District will be executed according to a procedure approved by the CEO.

Section 4.0506 Five Year Plan Update – The District shall review the Plan and will request to modify the plan if necessary, in accordance with Section 4.0505. The Plan must be reviewed by the Community in coordination with the District every five years to ensure the Plan addresses the Permit's requirements and outlines future work within the Community. If it does not, the Plan must be modified.

Section 4.0507 Right of Appeal – A Community may request a hearing pursuant to Section 1.0304 of Title I - Sewer Use Code and the Rules of Procedure of the District's determination under the Chapter. A request for a hearing must be made within thirty (30) calendar days of the District's rejection of or denial of a modification of an existing Plan.

**Chapter 6 - Connections to or Disconnections from the Combined Sewer System**

Section 4.0601 Connections to the Combined Sewer System – The District shall prepare and maintain the Requirements for Connections to the Combined Sewer System Policy (Requirements Policy), as developed by the CEO. The Requirements Policy establishes submittal requirements, engineering criteria, guidance, and the *no objection* process for development and redevelopment projects both public and private. The following shall be subject to the Requirements Policy: 1) connecting to a Combined, Sanitary, and/or Storm Sewer which is part of the Combined Sewer System; 2) direct connection to a District owned facility; or 3) extension of Sanitary or Storm Sewer that is tributary to the Combined Sewer System.

The Requirements Policy may be updated at the discretion of CEO.

Section 4.0602 Issuance of No Objection for Connection to the Combined Sewer System –

- a) Communities shall require all proposed connections to the Combined Sewer System be submitted to the District’s Community Discharge Permit Program Manager in the Watershed Programs Department at least 21 calendar days prior to the commencement of any construction activity for review per the Requirements Policy.
- b) All submittals, in accordance with Requirements Policy, must include:
  - i. A complete copy of the project’s civil engineering plans
  - ii. A stormwater management report
  - iii. A long-term operation and maintenance plan

Additional information must be provided upon request by the Sewer District.

- c) Submittals will be reviewed to ensure that:
  - i. The proposed connection will not cause post-development peak flows to increase and,
  - ii. The proposed connection will not cause any increase to CSO volumes and/or typical year CSO activations and,

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- iii. The proposed connection will not cause or contribute to any physical damage to the Combined Sewer System.
- d) Upon review, a No Objection or Objection notice will be issued in writing from the Community Discharge Permit Program Manager within 15 business days of the District's receipt of a complete submittal.
- e) The District's Review does not waive a Community's obligation to comply with applicable local, county, state, and federal law and/or regulation.

Section 4.0603 Issuance of Approval for Direct Connection to a District Sewer – The submittal and review process for direct connection to a District Sewer is as follows:

- a) The Community shall submit or cause any party seeking connection to a District Sewer, to submit an application to the District's Community Discharge Permit Program Manager for approval.
- b) All applications shall be submitted for review at least 21 days prior to the start of any construction, grubbing, grading, demolition, or any other construction-related activity.
- c) Applications will be reviewed based on the following criteria:
  - i. Available capacity of the existing District Sewer to which the applicant intends to connect.
  - ii. Effect on downstream overflows.
  - iii. Effect on downstream sewer capacity.
  - iv. Physical attributes of the connection to the District-owned sewer.

Upon approval or denial, notice will be issued in writing from the District's Community Discharge Permit Program Manager.

Section 4.0604 Issuance of Approval – The District shall review and approve or deny an application submitted in accordance with Section 4.0603. Approvals issued by the District under this Section shall remain valid for three (3) years from the date of approval.

Section 4.0605 Issuance of Acceptance of Flow for the Extension or Replacement of Existing Local Sewers or Construction of New Local Sanitary Sewers – Upon request,

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the District shall review the acceptance of flow request pursuant to the Ohio EPA Permit to Install application process and an acceptance of flow letter, if appropriate. Review will be done in the following fashion:

- a) Applications will be reviewed by the District's Community Discharge Permit Program Manager.
- b) Applications will be reviewed based on the following criteria:
  - i. Whether the flow from the proposed construction would be wholly within the service area.
  - ii. Capacity of the receiving wastewater treatment plant.
  - iii. Available capacity of the existing District Sewer to which proposed tributary connections are to be made.
  - iv. Whether the flow will increase volume or activation of a District CSO Outfall.
  - v. Whether the flow will increase peak flow rates in the District's Combined Sewer System.
- c) The District will send a written response to the requester.

Section 4.0606 Notice to Finance Department – Communities must report all new residential, industrial, and commercial connections, extensions of existing sewers, and new sewer construction to the Manager of Billing Services of the District's Finance Department (216-881-6600) at the time of connection.

Section 4.0607 Community Codes – Communities shall adopt and enforce codes, ordinances, and/or resolutions that:

- a) Prohibit the installation of stormwater connections to any Separate Sanitary Sewer tributary to a Combined Sewer.
- b) Prohibit any changes that result in sanitary service being provided outside of the District's sanitary service area without proper approval to change the service area.
- c) Prohibit unpermitted connections to the local Combined Sewer System.

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- d) Prohibit any direct connection to a District Combined Sewer, extension of an existing Local Sewer tributary to a Combined Sewer, or construction of a new Local Sewer tributary to a Combined Sewer without District approval as detailed in this Chapter.

Section 4.0608 Disconnections – Proposed disconnections of stormwater from the Combined Sewer System shall be reported to the District no less than 30 days prior to disconnection. Federal, state and/or local laws and regulations may apply to management of stormwater.

Section 4.0609 Approvals and No Objections– Approvals and No Objections issued by the District under this Chapter shall remain valid for three (3) years from the date of issuance. Connections must be completed within the three (3) year timeframe. If a connection is not completed within the three (3) year timeframe, reapplication is necessary and new approval must be received pursuant of this Chapter before connection can occur.

The District may revoke an Approval or No Objection at any time before completion, based upon change in circumstance impacting the criteria listed in this Chapter

Section 4.0610 Right of Appeal – A Community may request a hearing pursuant to Section 1.0304 of Title I - Sewer Use Code and the Rules of Procedure of the District’s determination under the Chapter. A request for a hearing must be made within thirty (30) calendar days following notice of a decision.



**Chapter 7 – Enforcement**

Section 4.0701 Circumstances for Initiation of Enforcement Actions – The District will initiate enforcement action for violation of Chapter 6 or where there is potential for damage to a District facility or downstream Community as a result of violating any provision of this Title.

Section 4.0702 The District may initiate enforcement actions at any time the District determines that a Community is not in compliance with its issued Permit or the provisions of Chapter 5.

Section 4.0703 Issuance of Notice of Violation (NOV)

- a) Whenever conduct justifies enforcement pursuant to Section 4.0701, the District will serve or cause to be served a NOV to the Community in the following manner:
  - i. When a violation is discovered, the District will issue a NOV and request for action from the Community to return to compliance with this Title.
  - ii. The NOV will be delivered to the Community via certified mail.
  - iii. The NOV will contain the findings and relevant circumstances underlying the District’s determination.
  - iv. The Community shall submit a written response to the NOV, by certified mail, within thirty (30) calendar days of receipt of the NOV. The response must contain a complete explanation of the cause for violation and an action plan designed to return the Community to compliance and prevent future noncompliance.
  - v. If an acceptable written response is not received by the District within thirty (30) calendar days of receipt of the NOV, the violation may be elevated to issuance of Compliance Orders, or the Community may be ordered to appear at a Show Cause hearing.
  
- b) Whenever the District finds conduct which justifies enforcement pursuant to Section 4.0702 to return the Community to compliance, the District may serve or cause to be served a NOV to the Community in the following manner:
  - i. When a violation is discovered, the District may issue a NOV and request for action from the Community to return to compliance with
  - ii. this Title.

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- iii. The NOV will be delivered to the Community via certified mail.
- iv. The NOV will contain the findings and relevant circumstances underlying the District's determination.
- v. The Community shall submit a written response to the NOV, by certified mail, within thirty (30) calendar days of receipt of the NOV. The response must contain a complete explanation of the cause for violation and an action plan designed to return the Community to compliance and prevent future noncompliance.
- vi. If an acceptable written response is not received by the District within thirty (30) calendar days of receipt of the NOV, a second NOV may be issued to the Community.
- vii. The Community shall submit a written response to the second NOV, by certified mail, within thirty (30) calendar days of receipt to the District.
- viii. If an acceptable written response is not received by the District within thirty (30) calendar days of receipt of the second NOV, the violation may be elevated to issuance of Compliance Orders, or the Community may be ordered to appear at a Show Cause hearing.

Section 4.0704 Compliance Orders (CO) – COs direct the Community to take specific actions necessary to return to compliance using the following framework:

- (a) The CO will be delivered to the Community via certified mail.
- (b) The Community must respond to the CO within fourteen (14) calendar days of receipt. The response shall be delivered to the District's Community Discharge Permit Program Manager.
- (c) The District may require a Community to attend a compliance meeting.
- (d) Failure to comply with the CO or attend the compliance meeting may result in the District taking further enforcement action against the Community.

Section 4.0705 Show Cause Hearing – The District may order a Community to appear at a Show Cause hearing when a violation is recurring, not corrected in a timely manner, or there is imminent risk to human health or safety or the environment or to District or Community infrastructure. The District will serve a written notice on the Community by personal service or certified mail, return receipt requested, regarding the violation or safety issue, the reasons why the enforcement action is to be taken, the proposed enforcement action, and

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directing the Community to show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than seven (7) calendar days before the hearing. Service may be made on any agent, officer or Authorized Representative of a Community or to the Community's principal place of business. The proceedings at the hearing shall be in accordance with Section 1.0304 of Title I - Sewer Use Code and the Rules of Procedure.

Section 4.0706 Judicial Proceedings – The District's Chief Legal Officer may take legal action to enforce this Title as appropriate.

Section 4.0707 Ineligible for District Funding – Communities not in compliance with any aspect of this Title may be ineligible for District funding and/or District funded projects under any Title or program.