

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

TITLE I

SEWER USE CODE

Revised:
2016, 2021,
2022

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

TITLE I - SEWER USE CODE

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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 – the meaning of the following terms where they are used in Titles I and II of the Code of Regulations shall be as follows, unless the content specifically indicates otherwise.
- Section 1.0202 “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 1.0203 “Biochemical Oxygen Demand (BOD)” - shall mean the quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five (5) days at 20° Centigrade. The quantification shall be made by Laboratory Determination.
- Section 1.0204 “C” – shall mean centigrade degrees.
- Section 1.0205 “CEO” - shall mean the Chief Executive Officer of the Northeast Ohio Regional Sewer District.
- Section 1.0206 “Chemical Oxygen Demand (COD)” - shall mean a measure of the oxygen equivalent of the portion of the organic material in a sample that is susceptible to oxidation by a strong chemical oxidant. The quantification shall be made by Laboratory Determination.
- Section 1.0207 “Combined Sewer” – shall mean a sewer designed to receive and transport both Sewage and stormwater runoff.
- Section 1.0208 “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 1.0209 “Discharge” – shall mean Sewage, water or any liquid, semi-liquid, solid, or gas, or combination thereof, flowing out of any domestic, commercial, or industrial establishment or the premises thereof.
- Section 1.0210 “Discharger” – shall mean any Person that discharges, causes, or permits a Discharge into the System, or otherwise receives services from any facility owned and/or operated by the Northeast Ohio Regional Sewer District.
- Section 1.0211 “District or NEORSD” – shall mean the Northeast Ohio Regional Sewer District, its Board of Trustees, officers, and employees.
- Section 1.0212 “Domestic User” – shall mean any Discharger not classified as an Industrial User.

- Section 1.0213 “Industrial User” – shall mean a Discharger of Industrial Waste.
- Section 1.0214 “Industrial Waste” – shall mean any liquid, semi-liquid, solid, or gaseous substance or form of energy, or combination thereof, resulting from any industrial, commercial, governmental, institutional, manufacturing, business, trade, or research processes, including the development, recovery, or processing of natural resources, or from sources other than domestic kitchens, water closets, lavatories, bathrooms, and showers. Groundwater and surface runoff are considered to be Industrial Waste if contaminated by the processes described above.
- Section 1.0215 “Inflow and Infiltration” – shall mean additional, unmetered water entering the System from above- and below-ground sources.
- Section 1.0216 “Laboratory Determination” - shall mean the measurements, tests, and analyses of the characteristics of waters and wastes in accordance with the provisions of 40 CFR Part 136.
- Section 1.0217 “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 1.0218 “mg/L” – shall mean milligrams per liter.
- Section 1.0219 “Person” - shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, partnership, co-partnership, joint stock company, trust, estate, association, society, institution, enterprise, governmental agency, the State of Ohio, the United States of America, or other legal entity, or their legal representatives, agents, or assigns.
- Section 1.0220 “Public Sanitary Sewer System” – shall mean sewers located in a dedicated public street, roadway, or dedicated public right-of-way or easement which is owned or operated by any municipality, county, water or sewer district, or any other political subdivision of the state authorized to construct or operate a sewer system.
- Section 1.0221 “Scavenger Waste” – shall mean any liquid or semi-liquid chemical substance or waste that is transported by truck, tanker, or any other vehicle to a District treatment facility or to another treatment facility where the District’s System is intended to be either wholly or partially the means of final disposal. Scavenger Waste does not include publicly owned treatment plant sludges or waste from domestic septic tanks, sewage holding tanks, portable toilets, commercial kitchen grease traps/separators, or privately owned and operated package treatment plants.

- Section 1.0222 “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 1.0223 “Sewer Meter” – shall mean a device that measures and records the volume or flow of sewage. Sewer Meters may also measure the rate or other characteristic(s) of flow.
- Section 1.0224 “Subdistrict No. 1” – shall mean the City of Cleveland.
- Section 1.0225 “Subdistrict No. 2” – shall mean all areas of the District outside the City of Cleveland.
- Section 1.0226 “System” – shall mean the sewage system of the Northeast Ohio Regional Sewer District including: all treatment and disposal facilities, sewers, pump stations, or force mains as identified in the District's Court Orders, or any modification thereof, or any other applicable agreements; any interceptors, pump stations, regulators, flow dividers, force mains, or intercommunity relief sewers 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 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 1.0227 “Total Suspended Solids” – shall mean a measure of the portion of total solids in an aqueous sample that are retained on a 2 micron filter. The quantification shall be made by Laboratory Determination.
- Section 1.0228 “User” – see “Discharger.”
- Section 1.0229 “Wastewater” – shall mean any stormwater and any water containing sewage, industrial waste, or other pollutants or contaminants derived from the prior use of the water.

CHAPTER 3 - ADMINISTRATION

- Section 1.0301 Authority – The District’s authority to promulgate the Code of Regulations emanates from the Orders of the Cuyahoga County Court of Common Pleas that established the District, the authority granted by the Ohio Revised Code Chapter 6119, and the Federal Clean Water Act, 33 U.S.C. Section 1251 *et seq.*
- Section 1.0302 Administration by Northeast Ohio Regional Sewer District Personnel – The Administration of this Title shall be by the staff of the Northeast Ohio Regional Sewer District under the direction of the Board of Trustees.
- Section 1.0303 Administrative Rules – The CEO of the Northeast Ohio Regional Sewer District may adopt, amend, and alter written policies and procedures governing the administration of this Title. Such rules shall not conflict with nor waive any provisions of this Title.
- Section 1.0304 Hearing – The Board of Trustees of the Northeast Ohio Regional Sewer District, or individuals appointed by the Board, shall hear all matters with regard to the District's administration of the Code of Regulations. The Board of Trustees may appoint hearing officers or appeal boards, who shall be full-time employees of the District. Any persons aggrieved by the District's administration of the provisions of the Code of Regulations shall have the opportunity for an administrative hearing, and administrative hearings shall be available for complaints regarding, but not limited to, the following matters: classification of users; applicable sewage service charges; amounts of and/or exemptions from charges; enforcement of pretreatment regulations and charges for noncompliance therewith; discharges to the System; and all matters relating to the use of sewers or other District services. When administrative hearings are conducted by a hearing officer or an appeal board, findings of fact and recommendations will be prepared and submitted to the Board of Trustees. The decision of the Board of Trustees following an administrative hearing shall be the final decision of the District once adopted by resolution.

The CEO shall publish Rules of Procedure to ensure efficient, timely, and fair hearings. The Rules of Procedure shall be followed for all administrative hearings unless a majority of the Board of Trustees approves different procedures. The Rules of Procedure may be modified from time to time, by the CEO as necessary or by resolution duly approved by the Board of Trustees.

CHAPTER 4 - DISCHARGE DETERMINATIONS FOR BILLING

Section 1.0401 Determination of the Volume of Wastewater Discharged – In order to determine the volume of wastewater discharged by any person for the purpose of determining the sewage service provided, 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 an accessible structure 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 a metering system or systems are installed as required or approved by the District.

Section 1.0402 Determination of Pollutants in Wastewater Discharged –

- (a) The District may require Industrial Users to submit an analysis of their Discharge. Such analysis shall include all information requested on forms provided by the District. The form shall be signed by a representative of the user.
- (b) The District may, from time to time, require additional analysis of an Industrial User's Discharge.

Section 1.0403 Validation of Analysis by Northeast Ohio Regional Sewer District – The District shall have the right to perform its own analysis of the Industrial User's Discharge. In the event of any discrepancy, the District may rely upon its own analysis for any action or purpose contemplated by this Code of Regulations.

Section 1.0404 Special Charges for Industrial Wastes – The District may impose special charges over and above any other charges, including the industrial sewage service charges set out in [Chapter 6](#) of this Title, if a particular waste causes or has the potential to cause additional expense to the District in its handling or treatment.

Section 1.0405 Method of Analysis – The handling, storage, and analysis of all samples for the determination of the characteristics of the waste pursuant to this [Title](#) shall be performed by Laboratory Determination.

Section 1.0406 Estimation of Concentrations of Waste Discharges – For purposes of [Section 1.0404](#), where sampling and gauging of a specific Industrial User is not practical for physical, economic, or other reasons, the District in its sole discretion may establish industry-wide averages for concentrations of the wastes discharged into the 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 sewage 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 CEO, indicates that such averages are not applicable to the specific Industrial User and which the District in its discretion accepts as establishing the concentration applicable to the specific Industrial User.

CHAPTER 5 - DOMESTIC SEWAGE SERVICE RATES

Section 1.0501 Definitions – Wherever they are used in this Chapter, the meaning of these terms shall be as 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 of the previous year and April 30 of the current year, inclusive.
- (d) “Eligible User” – shall mean any owner-occupied one, two, three, or four family residences within the District and non-profit housing organizations and development corporations that are developing a lease-to-purchase program for properties financed through the State of Ohio’s Low Income Housing Tax Credit administered through the Ohio Housing Finance Agency where sewer service charges are based upon water consumption as billed by the Northeast Ohio Regional Sewer District's Billing Agents, including Berea, and North Royalton, provided that said communities implement SRSUC meeting the criteria established by the CEO. 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 as determined by the District.

Section 1.0502 Summer Residential Sprinkling User Charges – Upon receipt of a timely application, the District shall provide SRSUC to Eligible Users. These charges shall be determined by basing the sewer service charge during the Summer Billing Period on the smaller of either the quantity of water delivered during the Summer Billing Period or the Winter Billing Period Usage.

Section 1.0503 Application for Summer Residential Sprinkling User Charges – An application for SRSUC must be submitted 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 CEO. No fee shall be required for the application. Eligible Users are not required to reapply every year for the SRSUC program while they continue to reside at the property listed in the initial application.

- Section 1.0504 Effective Date of Summer Residential Sprinkling – SRSUC shall be effective as of the date the application was received by the District, if the application is granted.
- Section 1.0505 Non-Transferability of Summer Residential Sprinkling – A SRSUC shall be non-transferable. Accounts approved for the SRSUC program shall be returned to normal account status upon the transfer of ownership of the property.
- Section 1.0506 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 SRSUC will be canceled. A new application must be submitted by any subsequent Eligible User. Additionally, SRSUC may be canceled due to falsifications on the application.
- Section 1.0507 Fixed Cost Recovery Charge – For any sewage service provided by the Northeast Ohio Regional Sewer District to any Domestic User including any person or premises located within the District, a fixed fee to recover a portion of the costs associated with Inflow and Infiltration and some administrative costs shall be charged and collected at the following monthly rates on a per account basis.

City of Cleveland and Direct Service Communities

For domestic accounts from January 1, 2021

| | |
|--|--------|
| Regular | \$9.70 |
| Homestead/ Wastewater Affordability Program (“WWAP”) | \$5.80 |

For domestic accounts from January 1,

| | 2022 | 2023 | 2024 | 2025 | 2026 |
|----------------|---------|---------|---------|---------|---------|
| Regular | \$10.10 | \$10.50 | \$10.95 | \$11.40 | \$11.90 |
| Homestead/WWAP | \$6.05 | \$6.30 | \$6.55 | \$6.85 | \$7.15 |

Master Meter Communities shall not be subject to Fixed Cost Recovery Charges.

Section 1.0508 Subdistrict No. 1 Domestic Rates – For any sewage 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 sewage service charge based upon the metered quantity of 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, 2021

City of Cleveland

| | |
|----------------|----------|
| Regular | \$106.50 |
| Homestead/WWAP | \$63.90 |

Section 1.0509 Subdistrict No. 2 Domestic Rates – For any sewage 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 sewage service charge based upon the metered quantity of 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, 2021

Direct Service Communities and Master Meter Communities

| | |
|----------------|----------|
| Regular | \$106.80 |
| Homestead/WWAP | \$64.10 |

Master Meter Communities
(Billed on the basis of 50% of water at Master Meter)

Section 1.0510 Domestic Rate (Equalized) For Regular and Homestead Rate Payers – Effective on January 1, 2022 the District’s Subdistrict 1 and Subdistrict 2 rates shall equalize. For any sewage service provided by the Northeast Ohio Regional Sewer District to any Domestic Users including any person or corporation or their premises, a sewage service charge based upon the metered quantity of 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, 2022

Direct Service Communities and Master Meter Communities

| | |
|----------------|----------|
| Regular | \$110.95 |
| Homestead/WWAP | \$66.55 |

For consumption from January 1,

Direct Service and Master Meter Communities

| | 2023 | 2024 | 2025 | 2026 |
|----------------|----------|----------|----------|----------|
| Regular | \$115.60 | \$120.45 | \$125.50 | \$130.75 |
| Homestead/WWAP | \$69.35 | \$72.25 | \$75.30 | \$78.45 |

Master Meter Communities (Village of Richfield)
(Billed on the basis of 50% of water at Master Meter)

Section 1.0511 Reconciliation of Rates to Federal Requirements - Domestic – For the purpose of complying with the Clean Water Act requirement 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, 2021

| Subdistrict No. 1 | <u>Regular</u> | <u>Homestead</u> |
|---|----------------|------------------|
| User charge | \$63.90 | \$63.90 |
| Adjustments, other charges, and debt service | <u>\$42.60</u> | <u>\$0.00</u> |
| TOTAL | \$106.50 | \$63.90 |

| Subdistrict No. 2 | <u>Regular</u> | <u>Homestead</u> |
|---|----------------|------------------|
| User charge | \$63.90 | \$63.90 |
| Adjustments, other charges, and debt service | <u>\$42.90</u> | <u>\$0.20</u> |
| TOTAL | \$106.80 | \$64.10 |

For consumption from

January 1, 2022 2023 2024 2025 2026

Regular Rate

| | | | | | |
|---|----------------|----------------|----------------|----------------|----------------|
| User charge | \$66.55 | \$69.35 | \$72.25 | \$75.30 | \$78.45 |
| Adjustments, other charges, and debt | <u>\$44.40</u> | <u>\$46.25</u> | <u>\$48.20</u> | <u>\$50.20</u> | <u>\$52.30</u> |
| TOTAL | \$110.95 | \$115.60 | \$120.45 | \$125.50 | \$130.75 |

| | | | | | |
|--------------------|---------------|---------------|---------------|---------------|---------------|
| Homestead Rate | \$66.55 | \$69.35 | \$72.25 | \$75.30 | \$78.45 |
| User charge | | | | | |
| Adjustments, other | <u>\$0.00</u> | <u>\$0.00</u> | <u>\$0.00</u> | <u>\$0.00</u> | <u>\$0.00</u> |
| TOTAL | \$66.55 | \$69.35 | \$72.25 | \$75.30 | \$78.45 |

Section 1.0512 Billing and Collection for Domestic Sewage Service –

- (a) Charges for Domestic Sewage 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 agreements 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 other agreements may be billed in a manner prescribed by the District.
- (c) All Domestic Users are required to pay charges for wastewater discharged to the System. Any connection or discharge to the System shall be conclusive evidence of receipt by the User of sewage 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 services. Users shall be responsible for any unbilled charges authorized by this Title 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. Unbilled sewer charges may be reduced by up to 50% consistent with any reduction granted by the water provider for water service during the same time period.

Section 1.0513 Billing and Collection of Additional Charges Set by Member Communities - Domestic Users – Sewage service charges set by a member community of the District for providing sewage or other related service within such community may be billed and collected by the District or its Billing Agents along with the District's charges.

Section 1.0514 Billing and Collection of Sewer Service Charges where Water Wells are Used – Where water is supplied to a Domestic User’s premises by means of wells or water tankers, sewer service charges will be based upon a daily average consumption of 0.021 thousand cubic feet (MCF) of water per billing monthly (approximately 0.625 MCF per billing period). Effective January 1, 2022, sewer service charges will be based upon a daily average consumption of 0.017 thousand cubic feet (MCF) of water per billing monthly (approximately 0.5

MCF per billing period). Sewer bills will be prepared for said premises and issued by the District.

Section 1.0515 Annual Notification of Sewage Service Rates – The CEO or designated District staff shall provide an annual notification of the sewage service rates set out in Sections 1.0507, 1.0508, 1.0509, and 1.0510 to all Domestic Users.

Section 1.0516 Affordability Programs

(a) Homestead Rates – The CEO or designated District staff shall establish eligibility criteria and administrative procedures for Homestead Rates.

(b) Wastewater Affordability Program (WWAP) – Effective January 1, 2012, the CEO established a WWAP to provide a reduction from the applicable sewer rates of eligible residential customers who meet the income guidelines of the program. The income guidelines shall be set at or below 200% of the current federal poverty level established by the U.S. Department of Health and Human Services. Effective January 1, 2022, the income guidelines shall be set at or below 250% of the current federal poverty level established by the U.S. Department of Health and Human Services. The CEO, or his or her designee, shall have final approval of all applications under the program.

(c) Crisis Assistance Program – Effective January 1, 2012, the CEO established a Crisis Assistance Program to offer assistance to eligible residential customers who meet the guidelines of the program. The CEO, or his or her designee, shall have final approval of all applications under the program.

Section 1.0517 Adjustments – The CEO or designated District staff may review user accounts for the purpose of determining if the appropriate usage volume and/or user charges are being/have been assessed. Accounts may be adjusted to reflect appropriate charges. If the CEO or designee finds that a credit is justified, an adjustment may be made to the sewer account. Adjustments will be applied first to any outstanding amounts owed by the customer on any District account, regardless of the basis for the adjustment or the type of charges owed. At no time will there be a monetary refund, except in the following circumstances: (1) if the property in question has been sold, then a monetary refund will be issued after proof of closing is provided; (2) where the credit exceeds the account billing for the prior 3 month period, then a refund may be issued; or (3) as provided in Section 1.0803. Any credit or refund greater than or equal to \$25,000.00 will require approval by the Board of Trustees.

Adjustments may be granted where there has been a water leak that resulted in excess usage. Adjustments for leaks may be granted based on representative data reflecting usage of the System, pursuant to a policy approved by the

CEO. However, in no case will an adjustment for a water leak be granted where: (1) the water leak occurred more than 2 years prior to the request for an adjustment or where (2) the District or Billing Agent was not notified of the leak within 6 months of when the customer knew or should have known that a leak existed.

CHAPTER 6 - INDUSTRIAL SEWAGE SERVICE RATES

Section 1.0601 Fixed Cost Recovery Charge – For any sewage service provided by the Northeast Ohio Regional Sewer District to any Industrial User or its premises, a fixed fee to recover a portion of the costs associated with Inflow and Infiltration and some administrative costs shall be charged and collected at the following monthly rates on a per account basis.

City of Cleveland and Direct Service Communities

For accounts from January 1, 2021

Regular \$9.70

For accounts from January 1,

| | 2022 | 2023 | 2024 | 2025 | 2026 |
|---------|---------|---------|---------|---------|---------|
| Regular | \$10.10 | \$10.50 | \$10.95 | \$11.40 | \$11.90 |

Section 1.0602 Subdistrict No. 1 - Industrial Rates – For any sewage service provided by the Northeast Ohio Regional Sewer District to any Industrial User or its premises, located in Subdistrict No. 1, a sewage service charge based upon metered quantity of water delivered to 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 factors in the following formula:

For consumption from January 1, 2021

City of Cleveland

$$\text{Industrial Rate} = \text{Fixed Cost Recovery Charge} + (\text{Metered Usage} \times \text{Volumetric Rate per MCF})$$

$$\text{Fixed Cost Recovery Charge} = \$9.70$$

$$\begin{aligned} \text{Volumetric Rate per MCF} &= A + (\$0.02552 \times \text{TSS}) + \\ &\quad [(\$0.02699 \times \text{BOD}) \text{ or } (\$0.01156 \times \text{COD}), \text{ whichever product is} \\ &\quad \text{greater}] \end{aligned}$$

$$\text{Where: } A = \$93.56$$

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 volumetric rate of: \$106.50

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 1.0603

Subdistrict No. 2 Industrial Rates – For any sewage services provided by the Northeast Ohio Regional Sewer District to any Industrial User or its premises located in Subdistrict No. 2 thereof, a sewage service charge based upon metered quantity of water delivered to 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 factors in the following formulas:

For consumption from January 1, 2021

Industrial Rate = Fixed Cost Recovery Charge + (Metered Usage x Volumetric Rate per MCF)

Fixed Cost Recovery Charge = \$9.70

Volumetric
Rate per MCF = A + (\$0.02566 x TSS) +
[((\$0.02701 x BOD) or (\$0.01158
x COD), whichever product is
greater]

Where: A = \$93.82

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 volumetric rate of: \$106.80

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 50% of water at Master Meter.

Section 1.0604 Industrial Rates (Equalized) – For any sewage services provided by the Northeast Ohio Regional Sewer District to any Industrial User or its premises, a sewage service charge based upon metered quantity of water delivered to 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 factors in the following formulas:

For consumption from January 1, 2022

Industrial Rate = Fixed Cost Recovery Charge + (Metered Usage x Volumetric Rate per MCF)

Fixed Cost Recovery Charge = \$10.10

Volumetric Rate per MCF = A + (\$0.02644 x TSS) + [(\$0.02740 x BOD) or (\$0.01174 x COD), whichever product is greater]

Where: A = \$97.67

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 volumetric rate of: \$110.95

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 50% of water at Master Meter.

$$\text{Industrial Rate} = \text{Fixed Cost Recovery Charge} + (\text{Metered Usage} \times \text{Volumetric Rate per MCF})$$

| | | | | |
|---------------------------------|-----------|---------|---------|---------|
| For consumption from January 1, | 2023 | 2024 | 2025 | 2026 |
| Fixed Cost Recovery Charge | = \$10.50 | \$10.95 | \$11.40 | \$11.90 |

$$\text{Volumetric Rate per MCF} = A + (B \times \text{TSS}) + [(C \times \text{BOD}) \text{ or } (D \times \text{COD}), \text{ whichever product is greater}]$$

| | | | | | |
|----------|---|-----------|-----------|-----------|-----------|
| Where: A | = | \$101.82 | \$106.27 | \$110.74 | \$115.66 |
| B | = | \$0.02741 | \$0.02821 | \$0.02933 | \$0.02999 |
| C | = | \$0.02845 | \$0.02929 | \$0.03053 | \$0.03120 |
| D | = | \$0.01219 | \$0.01255 | \$0.01308 | \$0.01337 |

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 volumetric rate of: | \$115.60 | \$120.45 | \$125.50 | \$130.75 |
|---------------------------------------|----------|----------|----------|----------|

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 50% of water at Master Meter.

Section 1.0605

Reconciliation of Rates to Federal Requirements – Industrial – For the purpose of complying with the Clean Water Act requirement 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, based on minimum rates.

For consumption from January 1, 2021

| | |
|--------------------|----------------|
| Subdistrict No. 1 | |
| User charge | \$63.90 |
| Adjustments, other | |
| Charges, and debt | <u>\$42.60</u> |
| service | |
| | |
| TOTAL | \$106.50 |

| | |
|--------------------|----------------|
| Subdistrict No. 2 | |
| User charge | \$63.90 |
| Adjustments, other | |
| Charges, and debt | <u>\$42.90</u> |
| service | |
| | |
| TOTAL | \$106.80 |

| | | | | | |
|----------------------|----------------|----------------|----------------|----------------|----------------|
| For consumption from | | | | | |
| January 1, | 2022 | 2023 | 2024 | 2025 | 2026 |
| User charge | \$66.55 | \$69.35 | \$72.25 | \$75.30 | \$78.45 |
| Adjustments, other | | | | | |
| charges, and debt | | | | | |
| service | <u>\$44.40</u> | <u>\$46.25</u> | <u>\$48.20</u> | <u>\$50.20</u> | <u>\$52.30</u> |
| TOTAL | \$110.95 | \$115.60 | \$120.45 | \$125.50 | \$130.75 |

- Section 1.0606 Billing and Collection of Industrial Sewage Service Charges –
- (a) Charges for Industrial sewage 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 agreements 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 other agreements may be billed in a manner prescribed by the CEO or designated District staff, which may include additional fees for the District’s expense to obtain meter readings where the Industrial User fails to submit meter readings as required.
 - (c) All Industrial Users are required to pay charges for wastewater discharged to the 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. Any connection and/or discharge to the System shall be conclusive evidence of receipt by the User of sewage services from the District. Users shall be responsible for all unbilled 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. A reduction of the unbilled sewer charges, up to 50%, may be applied consistent with the volume being billed for water service, by the water provider.
- Section 1.0607 Billing and Collection of Additional Charges set by Member Communities - Industrial Users – Sewage service charges set by a member community of the District for providing sewage or other related service within such community may be billed and collected by the District or its Billing Agents along with the District's charges.
- Section 1.0608 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 to the System. The method of estimation shall be subject to review by the CEO or designated District staff.
- Section 1.0609 Annual Notification of Sewage Service Rates – The District staff shall provide an annual notification of the Sewage Service Rates set out in Sections 1.0601, 1.0602, 1.0603, and 1.0604 to all Industrial Users.
- Section 1.0610 Adjustments –Adjustments on Industrial User accounts shall be made consistent with Section 1.0517.

CHAPTER 7 - DISPOSAL OF WASTES FROM SEPTIC TANKS, SEWAGE HOLDING TANKS, PORTABLE TOILETS, COMMERCIAL KITCHEN GREASE TRAPS, AND PRIVATELY OWNED PACKAGE SEWAGE TREATMENT PLANTS

- Section 1.0701 Purpose – It is the purpose of this Chapter to establish regulations for the disposal, by hauler delivery to the District's treatment facilities, of wastes from septic tanks and sewage holding tanks that do not contain Industrial Waste, portable toilets, commercial kitchen grease traps/separators, and from privately owned and operated package sewage treatment plants, and to set the District's treatment charges. All other liquid or semi-liquid wastes which are transported to a District facility or to a location tributary to a District facility shall be considered Scavenger Waste and will be regulated by [Chapter 9](#).
- Section 1.0702 District Permit Required – All haulers of wastes from septic tanks, sewage holding tanks that do not contain Industrial Waste, privately owned and operated package sewage treatment plants, portable toilets and/or commercial kitchen grease traps/separators who wish to dispose of such wastes at the District facilities must first obtain a permit from the District for each vehicle used for this purpose by applying on forms provided by the District. The annual fee for the District's permit is \$225.00. A \$100 fee may be charged to replace lost, stolen, or damaged permit stickers.
- Section 1.0703 District Decals – Haulers issued permits pursuant to 1.0702 will be provided 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. Haulers of waste under this Chapter not displaying these decals will be denied access to District facilities. The District decals will be issued every December for display in the coming year. A new decal will not be issued to haulers if payment for treatment charges is not kept current or if the annual permit fee has not been paid.
- Section 1.0704 Refusal of Services – The District may refuse the services of its facilities to haulers of waste authorized by this Chapter for specific loads if the hauler has failed to tender payment for treatment 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 may:
- (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 1.0404](#);
 - (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 9](#); or
- (f) Contain any waste which originates from source(s) outside the State of Ohio.

Section 1.0705 Revocation of Permit – The District may revoke the permit acquired by haulers of wastes authorized by this Chapter if the hauler:

- (a) Misrepresents the nature and/or source of the wastewater;
- (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 1.0706 Disposal Point – The only approved location for disposal of domestic septic tank wastes or wastes authorized by this Chapter is located within the Southerly Wastewater Treatment Plant, 6000 Canal Road, Cuyahoga Heights, Ohio. Hours of operation will be established by the District and haulers will be so notified. None of the wastes authorized by this Chapter shall be discharged into any sewer, manhole, catch basin, or any appurtenance thereto that flow into the System.

Section 1.0707 Reporting Information – All haulers are required to report to the District information regarding the source and type of the waste on forms approved of or provided by the District.

Section 1.0708 Establishment of Competitive Treatment Charges for Hauled Waste – The CEO shall periodically establish competitive treatment charges for wastes authorized by this Chapter based upon fair market price. The charges shall become effective upon the date of approval of a resolution by the Board of Trustees.

For the period beginning January 1, 2022, treatment charges for wastes authorized by this Chapter shall be:

| | |
|--|---------|
| Minimum Charge | \$40.00 |
| Cost per gallon for loads greater than 1,000 gallons | \$0.04 |

For the period beginning January 1, 2023, treatment charges for wastes authorized by this Chapter shall be:

Minimum Charge \$80.00

Cost per gallon for loads
greater than 1,000 gallons \$0.08

The District may bill additional charges for costs associated with any unusual expenses in the handling and/or treatment of hauled waste or any damage caused by the discharge of the hauled waste.

Section 1.0709 Volume of Septic Tank Waste – Unless otherwise authorized by the District, the volume of waste authorized by this Chapter 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 – ALTERNATIVE BILLING PROGRAMS

Section 1.0801 Definitions – Wherever they are used in this Chapter, the meaning of the following terms shall be as 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 it is appropriate that charges for sewer services be based on the actual usage of the System, as determined in accordance with this Chapter.
- (c) “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 Non- Discharge Status.
- (d) “Primary Water Meter(s)” – shall mean the water meter or meters that serve as the feed line(s) to a Premises from a water main and has an associated shut off valve.
- (e) “Re-registering Meter(s)” – shall mean any additional meter or meters that measure the water delivered to, or discharged from, either a specific process or a portion of a Premises. Any meter that is not a primary water meter on a Premises shall be considered a re-registering water meter.
- (f) “Water Billed as Sewage” – shall mean the metered water delivered to any Premises.

Section 1.0802 General Requirements to Connect to the Sewer System – All Premises located within the service area of the District are required to abandon any private septic tank or package sewage treatment system and connect to the Public Sanitary Sewer System if and when a Public Sanitary Sewer System becomes available. The connection to the Public Sanitary Sewer System shall be made pursuant to the abandonment rules and the regulations of the District, county, 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 1.0803 Non-Discharge Status - Eligibility - Application – Where a Public Sanitary Sewer System is available, and none of the water supplied through a Primary Water Meter returns to the public sewer system, upon approved application, the billing account shall be placed on Non-Discharge Status and removed from all future billing from the date of the application until such time as sewer service is established.

The determination of Non-Discharge Status will be made only after an application has been filed with the District by the owner of the Premises seeking such status on forms approved by the District. The application for Non-Discharge Status must be accompanied a non-refundable \$280.00 application fee. If it the applicant can demonstrate to the District that no liquid wastes emanating from such Premises enter the public sewer system, the District shall approve the application. If approved, the sewer account for said Premises shall be placed on Non-Discharge Status. If the District does not approve the application, the applicant may request a hearing pursuant to Section 1.0304 and the Rules of Procedure. A request for a hearing under Section 1.0304 and the Rules of Procedure must be made within thirty (30) days of such determination by the District. If such application is not made within thirty (30) days, then the determination shall be final.

The rules for Non-Discharge Status do not apply, and a refund of any provable payments for services that were made in the prior six (6) years can be issued, where a billing account was created as the result of an error and where: (1) the error was not the fault of the owner and (2) the owner was not required to connect to the Public Sanitary Sewer System.

Section 1.0804 Effective Date of Non-Discharge Status –Non-Discharge Status, when granted, shall be effective immediately. Non-Discharge Status shall not be allowed retroactively.

Section 1.0805 Non-Discharge Status - District Termination –Non-Discharge Status terminates when liquid wastes emanating from any Premises located within the District enter the System. Any Premises formerly possessing Non-Discharge Status shall be billed for sewer service charges from the first full billing period after the termination of the Non-Discharge Status and for each billing period thereafter. The owner shall notify the District when Non-Discharge Status has terminated.

Section 1.0806 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 sewage services on the basis of actual usage of the System, provided such Premises are determined to be eligible to be charged in accordance with the provisions of this Chapter. Sewer Service Charges Based On Usage of the System shall be available only after application has been made and approved by the CEO 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 1.0807 Application for Sewer Service Charge Based on Usage – Application for a new Sewer Service Charge Based On Usage of the System or a modification of a Sewer Service Charge Based on Usage of the System that has been granted, may be submitted by the owner of any Premises and shall be on forms approved of or provided by the District.

In order to defray the expense of investigating and determining eligibility for a Sewer Service Charge Based on Usage of the System, a non-refundable application fee of \$620.00 per Premises is required with each application.

Upon notice of transfer of ownership of Premises, where the prior owner had an approved Sewer Service Charges Based On Usage of the System, but the new owner has not established a new Sewer Service Charges Based On Usage of the System, the District may send the new owner a Sewer Service Charges Based On Usage of the System application and may delay removing the Premises from Sewer Service Charges Based On Usage of the System for 30 days.

Section 1.0808 Determination to Grant a Sewer Service Charge Based on Usage of the System – If it appears from the face of the application that a Premises may satisfy the eligibility criteria for a Sewer Service Charge Based On Usage of the System, District staff shall perform an inspection and determine if a Water Loss occurs on the Premises. If the District can verify that a Water Loss occurs on the Premises and the Premises is otherwise eligible as specified in the Chapter, the District shall approve the application, subject to the terms and conditions specified by the District. If the District does not approve the application, the aggrieved party may request a hearing pursuant to Section 1.0304 and the Rules of Procedure. Sewer Service Charges Based On Usage of the System shall not be allowed retroactively.

Section 1.0809 Eligibility for Consideration for Sewer Service Charge Based On Usage – Only Premises connected to the System whose most recent billings demonstrate total annualized Water Billed as Sewage in excess of 50 MCF shall be eligible for consideration for a Sewer Service Charge Based On Usage of the System. However, when a Premises listed as one account for billing purposes consists of two or more residential, commercial, retail or industrial units, such as office suite leased to a single tenant or individual apartments in an apartment building, the total annual MCF of Water Billed as Sewage shall be divided by the total number of units, and the Premises shall only be eligible if the total annual Water Billed as Sewage is in excess of 50 MCF per unit.

Section 1.0810 District Inspection– Any Premises receiving a Sewer Service Charge Based On Usage of the System or Non-Discharge Status shall be periodically inspected by the District to determine whether the conditions originally justifying the same still exist, and whether the terms set are being met.

Section 1.0811 Determination of Sewer Service Charge Based on Usage of the System - 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 District 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. This may include the use of sewer meters, Re-registering Meters, or other methods (e.g. production records) that can accurately quantify the Water Loss or, alternatively, the liquid entering the System.

Section 1.0812 Sewer Service Charge Based on Usage of the System 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 Board approved rates set forth in [Chapters 5](#) and [6](#) for the relevant billing period and shall be based on the reading at the Sewer Meter instead of the quantity of metered water delivered.

Section 1.0813 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 Board approved rate set forth in [Chapters 5](#) and [6](#) for the relevant billing period 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 Primary Water Meter(s) less the Water Loss measured by the Re-registering Meter(s) instead of on the quantity of metered water delivered.
- (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) instead of the quantity of metered water delivered.
- (c) Combinations of (a) and (b) above may be used as well.

Section 1.0814 Annual Fees – An annual fee of \$310.00 shall be charged to each Primary Water Meter which has been granted a Sewer Service Charge Based on Usage of the System.

Failure to pay the annual fee may void eligibility for the program and forfeit the

right to the benefits of Sections 1.0812 and 1.0813. In such circumstances, the User's eligibility will be restored and the benefits of Sections 1.0812 and 1.0813 will be applied in subsequent quarters upon receipt of the annual fee. Failure to pay the annual fee for a period of one year may also result in termination of the Sewer Service Charge Based on Usage of the System and require re-application.

- Section 1.0815 Adjustment of Sewer Service Charge Based on Usage – When the District determines that the approved method for determining Water Loss for a Sewer Service Charge Based on Usage of the System has failed or been removed, the District may adjust and bill for usage under this Chapter based on Water Loss as calculated with the most representative data of usage of the system, as determined by the District.
- (a) When the District determines a Sewer Service Charge Based on Usage requires adjustment as the result of a failed Re-registering Meter, Sewer Meter, or other approved mechanism, the customer shall be granted a 90-day grace period to replace or restore the failed device. Failure to initiate remedial action within the required time frame may result in forfeiture of an adjustment for Water Loss.
 - (b) If the District determines any portion of said Water Loss returns to the System from boiler blowdown, condensate, infiltration, or in any other form, the District shall adjust the amount of Sewer Service Charge Based on Usage of the System to best reflect actual Water Loss.
 - (c) Adjustments to Sewer Service Based on Usage of the System shall not be granted where a meter has been added and a modification to Sewer Service Based on Usage of the System could have been sought.
 - (d) An adjustment greater than or equal to \$25,000.00 requires approval by the Board of Trustees.
 - (e) Adjustments to Sewer Service Based on Usage shall not exceed a period of six years.

Section 1.0816 Costs to be Borne by Applicant – All costs incident to the installation of the measuring system for a Sewer Service Charge Based on Usage of the System 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 1.0811](#)

Section 1.0817 Effective Date of Sewer Service Charge Based on Usage of the System – A Sewer Service Charge Based on Usage of the System, 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 District. 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 1.0818 Modification of an Approved Sewer Service Charge Based on Usage – Where a Sewer Service Charge Based On Usage of the System has been granted and an approved meter has been removed, the customer shall notify the District within 30 days and the District will modify the approved method of measurement to determine the amount of Water Loss. Modification to remove sources of Water Loss shall not require an application or fee. Where a Sewer Service Charge Based On Usage of the System has been granted and the customer seeks to add additional meters to quantify Water Loss, the customer shall submit an application for modification. Modification applications requesting approval for new sources of Water Loss shall be subject to the full application fee. Modifications shall not be applied retroactively and no adjustments will be granted for past charges where a meter has been added.

Section 1.0819 Termination of Sewer Service Charge Based on Usage – The District shall terminate a Sewer Service Charge Based on Usage of the System 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 District determines there has been a misuse, unapproved modification of the measuring system, or tampering of any kind. If a Sewer Service Charge Based on Usage of the System 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 District shall terminate a Sewer Service Charge Based On Usage of the System that falls below the 50 MCF requirement pursuant to [Section 1.0809](#) for two consecutive years.

Section 1.0820 Non-Transferability of Sewer Service Charge Based on Usage – A Sewer Service Charge Based on Usage of the System shall be non-transferable. Accounts with approved Sewer Service Charge Based on Usage of the System shall be returned to a normal account status upon the transfer of ownership of the account. Upon the sale of a Premises receiving a Sewer Service Charge Based on Usage of the System the District may continue billing in the same manner so that the new account holder’s application can be reviewed. If the new account holder fails to make application within 30 days of transfer, the District may terminate any grace period granted and rebill the new account based on the metered quantity of water delivered from the date of transfer of ownership.

Section 1.0821 Temporary Discharge Permits – Any Industrial User that would generate a temporary discharge of wastewater not previously authorized must obtain a permit from the District prior to discharging said wastewater to the Public Sanitary Sewer System. The application for the permit must be submitted to the District on the forms provided by the District, containing the following

information:

- (a) The expected volume of the discharge,
- (b) The requested date(s) and frequency of the discharge,
- (c) A chemical analysis of the proposed discharge. The analysis shall contain the pollutant parameters prescribed by the District.
- (d) A listing of all known industrial processes that may have impacted the wastewater to be discharged, and/or any exploratory data (e.g., monitoring well data or soil boring data) that may have been generated in conjunction with the activity generating the wastewater discharge.

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

Section 1.0822 Temporary Discharge Permit Fees – The District shall charge a permit fee for temporary discharge permits to defray the cost of inspection and treatment. The permit fee for the determination of acceptability and treatment costs associated with the disposal shall be \$280.00. This fee shall be submitted prior to, or upon issuance of, the permit.

Holders of these permits will be billed for the volume of wastewater discharged to the System. User charges for discharges authorized by Temporary Discharge Permits shall be subject to volumetric charges at the industrial sewage service rate where the volume is greater than 110 gallons. Where the volume is 110 gallons or less, there will be no additional charge beyond the permit fee.

CHAPTER 9 - CONTROL OF SCAVENGER WASTES AND PUBLICLY OWNED SEWAGE TREATMENT PLANT SLUDGES

- 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) 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 System.
 - (b) Publicly Owned Sewage Treatment Plant Sludge (POTW Sludge) – shall mean any solid, semi-solid, or liquid residue removed during the operation of a publicly owned sewage treatment plant.
- Section 1.0902 Disposal Point – 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 the District. The District may grant permission for the discharge of wastewater generated from the cleaning of municipal catch basins, storm sewers, the Public Sanitary Sewer System, and other approved waste at specific locations within the System. Permission for such a discharge must be in writing. No hauler shall discharge any non-approved Scavenger Wastes or POTW Sludge into any sewer, manhole, catch basin, or any appurtenance thereto.
- Section 1.0903 Waste Hauled to a District Wastewater Treatment Facility -
- (a) No Scavenger Waste will be accepted at a District wastewater treatment facility, unless authorized by the District.
 - (b) Any hauler intending to deliver POTW Sludge to a District facility must first make a written request to the District. The request must contain, at 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 the waste, at the request of the District.
 - (c) 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.

- (d) Analytical/Monitoring Costs – The hauler is responsible for District costs incurred in the analysis of samples 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.
- (e) Volume of Publicly Owned Sewage Treatment Plant Sludges – Unless otherwise authorized by the District, 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 the District’s treatment plant.
- (f) Treatment Charges for Publicly Owned Sewage Treatment Plant Sludges – Charges for POTW Sludge shall be determined based upon the following cost factors:

| | |
|--------------------|---------------------------|
| Flow = | \$13.06 per 1,000 gallons |
| Suspended Solids = | \$0.42349 per pound |
| BOD = | \$0.43882 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 the 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 1.0903\(f\)](#) 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; or,

- (5) Misrepresent the nature or source of material that is being hauled.

Service may also be refused if the hauler fails to follow security, safety, traffic, or disposal directions of District personnel.

- (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 1.0904 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 System for disposal.

Section 1.0905 Scavenger Waste Treatment at a Private Facility – Notification – Any company engaging in the acceptance of Scavenger Wastes for treatment, reclamation, or recovery and intending to use the System for disposal of any part of these Scavenger Wastes or by-products, contaminants, or liquid fraction thereof, must notify the District that they are engaged in such an activity.

Section 1.0906 Scavenger Waste Agreement – Any Reprocessor or Pretreater who proposes to discharge into the system must have specific permission of the District for the discharge. Permission for such a discharge shall be in the form of a written agreement. The Reprocessor or Pretreater shall furnish the District 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 System. The District shall determine what chemical substances can be reprocessed or pretreated that would result in an acceptable discharge to the 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 may be discharged except by amendment to the agreement.

Section 1.0907 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 System. The chemical parameters, frequency of sampling, analyses, method of analyses and frequency of reporting shall be determined by District and this determination shall be included in the agreement required in [Section 1.0906](#).

- Section 1.0908 Inspection Access Point Required – All Reprocessors or Pretreaters of Scavenger Waste shall install suitable access points, monitoring or sampling sites, meters, telemetry, or other appurtenances necessary to facilitate observation, sampling, and measurement of discharge or potential discharge. Such installations shall conform with plans approved by the District. 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 1.0909 The District's Right to Limit Scavenger Wastes – The District reserves the right to limit the volume or concentration of, or to set maximum loadings, on Scavenger Wastes, by-products, contaminants, or liquid fraction thereof that are discharged to the System.
- Section 1.0910 Failure to Comply - Charges – Charges for failure to comply with any provision of this Chapter are described in [Title II, Chapter 7](#). In addition, the District may close any connection to the System for reoccurrence of violations of this Title.

CHAPTER 10 - MISCELLANEOUS PROVISIONS

- Section 1.1001 Acceptance – By discharging to the System, the discharger agrees to comply with all terms and regulations of the District and to be bound by them.
- Section 1.1002 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.
- Section 1.1003 District Owned Facilities Exempt from Charges – Facilities owned by the District, when utilized solely for District purposes, shall be exempt from all sewage charges.