

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

TITLE IV

COMBINED SEWER CODE

Adopted - June 3, 1993

Revised - September, 1993

NORTHEAST OHIO REGIONAL SEWER DISTRICT
CODE OF REGULATIONS
TITLE IV - COMBINED SEWER CODE

[CHAPTER 1](#) - TITLE AND DISTRIBUTION PAGE IV-1

[CHAPTER 2](#) - DEFINITIONS PAGE IV-2

[CHAPTER 3](#) - PURPOSE AND GENERAL CONDITIONS..... PAGE IV-5

[CHAPTER 4](#) - ISSUANCE OF COMMUNITY COMBINED SEWER.....
DISCHARGE PERMITS PAGE IV-10

[CHAPTER 5](#) - EVALUATION OF COMMUNITY COMBINED SEWER
COMPLIANCE PLANS PAGE IV-13

[CHAPTER 6](#) - ENFORCEMENT..... PAGE IV-15

[CHAPTER 7](#) - CHARGES PAGE IV-17

[CHAPTER 8](#) - MAINTENANCE, MONITORING AND CORRECTIONPAGE IV-19

[CHAPTER 9](#) - RECORDS RETENTION PAGE IV-20

[CHAPTER 10](#) - MISCELLANEOUS PROVISIONS PAGE IV-21

CHAPTER 1 - TITLE AND DISTRIBUTION

Section 4.0101 Title and Distribution - This Title of the Code of Regulations of the Northeast Ohio Regional Sewer District shall be known as the Combined Sewer Code of the Northeast Ohio Regional Sewer District and may be separately printed and distributed. The term "this Code" wherever used in all chapters of this Title means the Combined Sewer Code of the Northeast Ohio Regional Sewer District.

CHAPTER 2 - DEFINITIONS

- Section 4.0201 "Definitions" - unless the content specifically indicates otherwise, the meaning of the following terms wherever they are used in this Code shall be as defined in the following sections.
- Section 4.0202 "Board" or "Board of Trustees" - shall mean the Board of Trustees for the Northeast Ohio Regional Sewer District.
- Section 4.0203 "Best Management Practices (BMP)" - shall mean the methods used to reduce and/or eliminate dry and wet weather combined sewer overflows, minimize pollutant concentrations in combined sewer overflows and promote the general maintenance of the sewer system. These methods may include, but are not limited to: 1) street cleaning, 2) sewer cleaning and inspection, 3) catch basin cleaning, 4) correction of leaking manholes, 5) correction of cracked or broken pipe 6) cleaning and repair of regulators and outfalls, 7) spill protection/prevention, 8) infiltration and inflow control, 9) source control of pollutants, 10) pump station preventive maintenance, 11) emergency contract repair procedures.
- Section 4.0204 "Control of Combined Sewer Overflows" - shall mean the elimination of dry weather overflows and reduction of wet weather CSO's.
- Section 4.0205 "Combined Sewer" - shall mean a sewer designed to receive and transport both sanitary sewage and storm water runoff.
- Section 4.0206 "Combined Sewer Overflow" or "(CSO)" - shall mean an overflow from a sewer designed to transport sanitary sewage and storm water runoff to a conduit designed for storm water runoff only or to an open body of water.
- Section 4.0207 "Community" - shall mean any city, village, township, or county wholly or partly located within the service area of the Northeast Ohio Regional Sewer District.
- Section 4.0208 "Community Combined Sewer Compliance Plan" or "Plan" - shall mean the general plan prepared by a Community in response to its Combined Sewer Community Discharge Permit describing the means by which the Community will achieve its established performance objectives.
- Section 4.0209 "Community Combined Sewer Discharge Permit" or "Permit" - shall mean a permit issued under this Title stating the terms under which a Community is to manage its combined sewer system or separate sanitary sewer system that is tributary to the District's combined sewer system.
- Section 4.0210 "Design Storm Event" - shall mean the storm event designated in the applicable facilities planning document.

- Section 4.0211 "Director" - shall mean the Executive Director of the Northeast Ohio Regional Sewer District or his designated representative.
- Section 4.0212 "District" or "NEORSD" - shall mean the Northeast Ohio Regional Sewer District, its officers, and employees.
- Section 4.0213 "District Sewer" - shall mean any sewer, pump station, or force main owned, operated, and maintained by the Northeast Ohio Regional Sewer District as identified in the District's Court Order Description of Interceptors, or any modification thereof; any interceptor, pump station, force main or intercommunity 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 basin connections are not included in this definition.
- Section 4.0214 "Infiltration" - shall mean the water entering a sewer system and service connections from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include, and is distinguished from, inflow.
- Section 4.0215 "Inflow" - shall mean the water discharged into a sanitary sewer system and service connections from sources which include, but are not limited to, roof leaders, foundation and other drains, cooling water discharges, cross connections from storm sewers and combined sewers, catch basins, manholes, and other similar sources of storm water. Inflow does not include, and is distinguished from, infiltration.
- Section 4.0216 "Infiltration/Inflow" (I/I) - shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.
- Section 4.0217 "Local Sewers" - shall mean any sewer, service lateral, or catch basin connection within the public right-of-way, pump station, or force main built within the service area of the Northeast Ohio Regional Sewer District for or by any Community or other political jurisdiction, for the purpose of connecting with District-owned intercepting or intercommunity relief sewers as branches thereof or connecting to other local sewers tributary to District sewers.
- Section 4.0218 "Maintenance" - shall mean the action required to prevent dry weather overflows, reduce wet weather overflows, prevent failure of the sewerage system, and preserve its original function.
- Section 4.0219 "Performance Objective" - shall mean a specific result to be achieved to meet the purpose of this Title.

- Section 4.0220 "Rehabilitation" - shall mean the action required to restore the structural and design integrity of the sewer system, or parts thereof, through methods which include, but are not limited to: 1) pump station or force main replacement, 2) sewer replacement, 3) sewer relining, 4) sewer sealing and 5) other means of reducing infiltration/inflow.
- Section 4.0221 "Combined Relief Sewer" - shall mean a sewer designed to relieve combined sewer overflows during specified peak flow conditions.
- Section 4.0222 "Separate Sanitary Sewer" - shall mean a sewer designed to receive and transport sanitary sewage. A combined sewer used as a separate sanitary sewer subsequent to sewer separation will generally be considered as a separate sanitary sewer.
- Section 4.0223 "Separate Sanitary Sewer Overflow" - shall mean that sanitary flow that escapes from the separate sanitary sewer system to storm sewers, combined sewers, watercourses, or ground surface.
- Section 4.0224 "Storm Sewer" - shall mean a sewer that carries storm and surface waters and drainage excluding sewage and industrial wastes, other than unpolluted cooling water.
- Section 4.0225 "Wastewater" - shall mean a combination of water-carried waste from residences, buildings, business buildings, institutions, and industrial establishments together with such ground, surface, or storm water as may be present.
- Section 4.0226 "Watercourse" - shall mean a channel in which a flow of water occurs, either continuously or intermittently.

CHAPTER 3 - PURPOSE AND GENERAL CONDITIONS

- Section 4.0301 Purpose - The purpose of this Title is to provide a procedure by which the District and each Community served by the treatment facilities owned and/or operated by the District can cooperate to control combined sewer overflows in their sewer systems and control peak flows from Community combined sewer systems at the point of connection into sewers owned by the District or another Community.
- Section 4.0302 Authority - The District's authority to promulgate this Title emanates from the terms and conditions of the Order of the Court of Common Pleas which established the District and the authority granted by the Ohio Revised Code.
- Section 4.0303 Applicability - This Title is applicable to all areas within the District's service area, which are served by combined sewers, have separate sanitary and/or storm sewers directly tributary to a combined sewer or, as determined by the District, are significantly contributing to a combined sewer overflow.
- Section 4.0304 Means to Implement this Title - This Title shall be implemented through the issuance of Community Combined Sewer Discharge Permits. The Permits may delineate, among other things, peak combined sewer flows which can be discharged from a given connection point into a sewer owned by the District or by another Community, the control of dry weather combined sewer overflows, and Best Management Practices.
- Section 4.0305 Community Role - The role of the Community is to:
- (a) Develop and implement Best Management Practices programs which may include, but are not limited to, the items specified in [Section 4.0203](#).
 - (b) Develop and implement Community regulations/ordinances which may include, but are not limited to, the items specified in Sections [4.0310 \(a, b and c\)](#), [4.0311](#), [4.0312](#), and [4.0313](#).
 - (c) Develop and implement Community flow control projects which may include, but are not limited to, the items specified in [Section 4.0310](#).
 - (d) Assist the District in a Community public information program regarding pollution prevention and the control of combined sewer overflows.
- Section 4.0306 District's Role - The role of the District relative to this Title is to identify the performance objectives to be achieved by a Community, share information on means by which required Community performance objectives can be accomplished, assess and accept or reject compliance plans submitted by a given Community, assess and accept or reject Community best management practices plans, and enforce compliance under this Title.

The District will be undertaking a program to control combined sewer overflows and eliminate dry weather overflows through methods that may include, but are not limited to, the construction of sewers, storage facilities, and treatment facilities.

- Section 4.0307 Overflow Identification - Each Community shall identify and disclose to the District all combined sewer overflows known or which become known to the Community that are not included on the District's inventory of combined sewer overflows.
- Section 4.0308 Project List - The Director shall prepare, maintain and make available District combined sewer overflow facilities plans and a listing of the combined sewer overflow capital improvement projects the District intends on constructing.
- Section 4.0309 Design Standards - Where applicable, the latest edition of the Uniform Standard Sewer Details dated May, 1978 and any updates or addenda developed for use by the Cuyahoga County Sanitary Engineering Department, the City of Cleveland, the Cuyahoga County Municipal Engineers Association and the District shall, at a minimum, apply to all of the improvements proposed to achieve established performance objectives.
- Section 4.0310 Community Flow Control Program - Each Community shall, as a condition of its Permit, develop and implement a Community flow control program to minimize or delay runoff and pollutant contributions to the combined sewer system and receiving waters. The program shall, at a minimum:
- (a) Establish requirements for the control of runoff and erosion from construction sites to minimize the amount of soil entering the combined sewer system.
 - (b) Establish requirements which prohibit the introduction of storm water connections to any separate sanitary sewer.
 - (c) Establish requirements to minimize and/or delay the amount of runoff from newly developed or redeveloped areas. Development drainage plans should be reviewed by the Community. Where a development or redevelopment project includes 5 or more acres, development drainage plans shall be required to be submitted simultaneously to the Community and the District for separate review and approval prior to construction. The Community's review of development drainage plans shall be forwarded to the District for comment. District review of development drainage plans will generally involve an analysis of pre- and post-development flow rates, flow volumes and flow discharge points. In general, the District shall review and respond

to the development and drainage plans within thirty (30) days of receipt of such plans. Additionally, the District may require drainage plans be submitted for development or redevelopment projects less than 5 acres in size on a case by case basis.

- (d) Identify and then establish an implementation plan for Community projects which meet cost effective criteria as may be established by facilities plans adopted by the District.
- (e) Establish an implementation plan for Community projects needed to meet specific performance objectives as included in individual Community Permits.

Section 4.0311 Separate Sanitary and Storm Connections - Any new building's sanitary waste connection is to be distinct from the building's storm water connection. The separate connections may be joined at the property line prior to connection to an existing combined sewer.

Section 4.0312 No New Combined Sewers - Construction of new combined sewers is prohibited without the authorization of the appropriate state or federal agency. The above sentence does not apply to the replacement, repair, and maintenance of existing combined sewers.

Section 4.0313 No Additional Uncontrolled Combined Sewer Overflows - No additional uncontrolled combined sewer overflows shall be permitted within a Community subsequent to the effective date of its Combined Sewer Discharge Permit. Combined sewer overflows not disclosed in the Community Combined Sewer Compliance Plan shall be presumed to have not been in existence by the aforementioned date. The Director may, in the interest of protecting public health and/or public safety and upon showing by the Community of appropriate circumstances, grant approval for the establishment of a temporary additional overflow. In reviewing a request for a temporary additional overflow, the Director will consider public health and the sensitivity of receiving waters. Additional overflows will only be permitted pursuant to this Section in conjunction with the submittal of a plan for control of any additional overflow. An implementation schedule for such plans shall be incorporated into a Community Combined Sewer Discharge Permit issued pursuant to this Title.

Section 4.0314 No Significantly Increased Combined Sewer Overflow Volumes - No significant increases to combined sewer overflow volumes shall be permitted subsequent to the effective date of each applicable Community Combined Sewer Discharge Permit. The Director may, in the interest of protecting public health and/or public safety and upon a showing by the Community of appropriate circumstances, grant approval for the implementation of projects that may cause temporary increases in

combined sewer overflow volumes. In reviewing a request for a temporary increase in combined sewer overflow volumes, the Director will consider public health and the sensitivity of receiving waters. Plans for Community sewer projects that cause significantly increased combined sewer flow or combined sewer overflow volumes are to be submitted to the District for review and approval prior to construction. Significant increases in combined sewer overflow volumes will only be permitted pursuant to this Section in conjunction with the submittal of a plan for control of the increased combined sewer overflow volumes. An implementation schedule for such plans shall be incorporated into a Community Combined Sewer Discharge Permit issued pursuant to this Title.

Section 4.0315 No Dry Weather Combined Sewer Overflows - Dry weather combined sewer overflows from any source are prohibited.

Section 4.0316 Dry Weather Combined Sewer Overflow Reporting - The Community shall report any occurrence of a dry weather combined sewer overflow within 24 hours of discovery to the Permit Manager in the District's Planning Department. Written documentation of such overflows describing the cause of the overflow and the corrective measures taken or currently underway to eliminate the overflow shall be submitted to the district within 5 days. Circumstances that cause the occurrence of a dry weather combined sewer overflow must be corrected immediately. Examples of circumstances that require immediate correction include, but are not limited to, the following: blockages in the combined sewer system, flow regulator failure, improper connections, cracked or broken sewers, or pump station malfunctions. Reporting said overflows to the District does not relieve the community of any obligation for the proper reporting to the appropriate state or federal agency.

Section 4.0317 No Flow Volume/Service Area Changes - The Community is prohibited from causing or allowing any additions or deletions to the local sewer system within its municipal boundaries that will result in a change of the District's service area without prior written approval of the District. The Community is also prohibited from causing or allowing any additions or deletions to the local sewer system outside its municipal boundaries that will result in a change of the District's service area without prior written approval of the District.

All new residential, industrial, and commercial connections, extensions of existing sewers, and new sewer construction shall be reported to the Business Supervisor of the District's Water Quality and Industrial Surveillance (WQIS) Department (641-6000). New connections that are not reported to the District are in violation of the permit.

Section 4.0318 Schedule for Performance Objective Achievement - Performance objectives shall be achieved as soon as practicable. As soon as practicable shall be determined on

a case by case basis by the District, taking all relevant factors into consideration. These factors may include, but are not limited to, the following:

- (a) The projected available date for a District project upon which a Community project is dependent.
- (b) The reasonable time necessary to conduct field investigations, plan, design and construct the required facilities, including rehabilitation.
- (c) Financial considerations.
- (d) Impact of any delay in implementation of improvements upon facilities to which the flow is tributary.
- (e) Externally imposed schedule requirements.

Section 4.0319 Sewer Maps - Each Community shall maintain a current map of all sanitary and combined sewers within its territorial jurisdiction. Also to be shown are the storm sewers, open and culverted streams and any other water courses to which a combined sewer overflow may discharge. The District may establish minimum standards for such maps. Updates of Community sewer maps are to provided to the District when applicable.

CHAPTER 4 - ISSUANCE OF COMMUNITY COMBINED SEWER DISCHARGE PERMITS

Section 4.0401 Issuance of Permits - The District shall issue Permits to Communities with requirements, conditions, and performance objectives as necessary to achieve the purposes of this Title under procedures specified under this Chapter.

Section 4.0402 Public Notice - The District shall provide copies of Draft and Final Permits and Permit modifications to all member communities which border a given Community and either discharge or receive flow to/from that Community.

Section 4.0403 Draft Permits - Prior to issuing a Final Permit pursuant to [Section 4.0404](#), the District shall issue a Draft Permit to a Community by certified mail. As applicable, the Draft Permit shall:

- (a) Identify specific performance objectives to be achieved and a schedule for their achievement (See [Section 4.0318](#)).
- (b) Contain a schedule for preparation and submittal of a Community Combined Sewer Compliance Plan.
- (c) Require sewer maps (See [Section 4.0319](#)).
- (d) Require submittal and subsequent maintenance of a Best Management Practices Program.
- (e) Contain any other reasonable conditions required of the Community.

The District will consider all comments on proposed Draft Permits that are received within a period of 45 days following issuance of the Draft Permit. All comments are to be sent to the District by certified mail.

Section 4.0404 Final Permit - At an appropriate juncture, the Director shall propose to the Board that a Final Permit be issued for a given Community. An appropriate juncture shall be:

- (a) When the Director and the affected Community agree on the terms and conditions of the Final Permit;
- (b) When the affected Community fails to respond to the Draft Permit;
or
- (c) When the District and the affected Community cannot agree on the terms and conditions of the Final Permit.

The Director shall give the Community notice by certified mail of the proposed Final Permit to be submitted for Board approval at least 30 days prior to the meeting of the Board at which the Director's recommendation is to be acted upon.

- Section 4.0405 Incorporation of Community Combined Sewer Compliance Plan - Upon acceptance by the District of a Community Combined Sewer Compliance Plan pursuant to [Section 4.0502](#), such Community Combined Sewer Compliance Plan, including a Schedule of Compliance, shall be deemed incorporated into the respective Community Combined Sewer Discharge Permit for all purposes of this Title. The Community shall receive notification of said action.
- Section 4.0406 Appeal of Permit - A Community shall have the right to appeal the proposed Final Permit to the Board or to a hearing examiner designated by the Board. Such proceedings shall be governed by Section 1.0303 of the Sewer Use Code (Title I). Notice of Appeal shall be sent by certified mail.
- Section 4.0407 Permit to be Effective Upon Board Action - The Permit shall become effective upon adoption by the Board.
- Section 4.0408 Permit Modification - A Community Combined Sewer Compliance Plan and/or a Community Combined Sewer Discharge Permit can be modified for appropriate purposes at the initiative of either the District or a Community. A Community shall send proposed Plan/Permit modifications to the District by certified mail. The District shall give notice by certified mail to the Community of a District initiated proposed modification and afford the Community 30 calendar days to comment. The Director shall give the Community notice by certified mail of the Director's recommendation for Plan/Permit modification at least 30 calendar days prior to the meeting of the Board at which said modification is to be acted upon. This procedure applies to District and Community initiated proposals for modification. A Community can appeal the recommendations of the Director regarding a Plan/Permit modification pursuant to the procedures specified in [Section 4.0406](#). A Plan/Permit modification becomes effective upon adoption by the Board.
- Section 4.0409 Time Extensions - A Community may request that an extension of time be granted for Community Combined Sewer Discharge Permit-related issues. The request shall be in writing and the granting of time extensions for Permit-related matters shall be at the District's discretion.
- Section 4.0410 Disclosure of Planning Studies - The District shall, to the extent permitted by law, make available for public review available combined sewer overflow facilities planning reports.

CHAPTER 5 - EVALUATION OF COMMUNITY COMBINED SEWER COMPLIANCE PLANS

- Section 4.0501 Submittal of Data Regarding Community Combined Sewer Compliance Plan - The data to be submitted regarding a Community Combined Sewer Compliance Plan shall be as noted in the Community Combined Sewer Discharge Permit.
- Section 4.0502 District Review - The District shall review the Community Combined Sewer Compliance Plan and may request, where necessary, additional information. The District shall accept the Community Combined Sewer Compliance Plan unless it finds that it should be rejected or modified for at least one of the following reasons:
- (a) There is a reasonable basis to believe that the Community Combined Sewer Compliance Plan will not achieve the performance objectives required by the Community Combined Sewer Discharge Permit.
 - (b) The Community Combined Sewer Compliance Plan cannot be, or is likely not to be, implemented in a reasonable period of time and a more readily implemented alternative is otherwise acceptable.
 - (c) The Community Combined Sewer Compliance Plan is unacceptable due to overall considerations of management and operation of the entire sewer system of which the specific improvement is a part.
 - (d) The Community Combined Sewer Compliance Plan is unacceptable because it violates an obligation of the District under local, State or Federal rules or regulations, enforcement orders, or a condition imposed due to receipt of financial assistance from grantor/lender agency.
 - (e) Any other consideration upon which the District can responsibly reject the Community Combined Sewer Compliance Plan.
- Section 4.0503 Right of Appeal - A Community shall have the right to appeal the rejection of all or part of a Community Combined Sewer Compliance Plan to the Board or a hearing examiner designated by the Board. Such proceedings shall be governed by Section 1.0303 of the Sewer Use Code (Title I).
- Section 4.0504 Review of Community Combined Sewer Compliance Plans - The District shall review the Community Combined Sewer Compliance Plans for any project(s) proposed to meet the requirements of a Permit issued under this Title. District acceptance in no way replaces any plan approval required by any local, State or Federal agency. The purpose of this review is to determine if the proposed Plan is likely to achieve specific performance objectives. This review does not constitute an engineering review of the proposal and the District assumes no liability as a

result of such review. The District shall generally review Community Combined Sewer Compliance Plans within 60 days of receipt. It is District policy that communities will be notified in writing if the review is not completed within these time frames.

- Section 4.0505 Detailed Plans - Detailed Plans shall not be reviewed by the District unless they include an affirmative representation by the design engineer whose seal is affixed to the drawings that the Detailed Plans were prepared in accordance with the Uniform Standard Sewer Details. Any deviations from the Uniform Standard Sewer Details are to be noted. The purpose of this review is to determine if the proposed plan is likely to achieve specific performance objectives. This review does not constitute an engineering review of the proposal and the District assumes no liability as a result of such review.
- Section 4.0506 Modification of Community Combined Sewer Compliance Plans - A Community may request a modification be made to an accepted Community Combined Sewer Compliance Plan as provided by [Section 4.0405](#) of this Title.
- Section 4.0507 Enforcement - A Community's failure to submit an approvable Community Combined Sewer Compliance Plan in a timely manner shall be a circumstance for enforcement pursuant to [Section 4.0601](#).

CHAPTER 6 - ENFORCEMENT

- Section 4.0601 Circumstances for Initiation of Enforcement Actions - The District may initiate enforcement action against a Community for violation of any provisions of this Title including, but not limited to:
- (a) A Community's failure to implement projects on a Permit-required schedule.
 - (b) A Community's failure to follow maintenance procedures specified in their Permit.
 - (c) A Community's failure to properly respond to a request for evidence of progress or explanation for delay.
 - (d) The establishment of an additional combined sewer overflow contrary to [Section 4.0313](#).
 - (e) A Community's failure to meet a specified performance objective.
 - (f) A Community's failure to produce a sewer map as required by [Section 4.0319](#).
 - (g) A Community's failure to submit an approvable Community Combined Sewer Compliance Plan in a timely manner.
- Section 4.0602 Enforcement Actions - The District, with notice, and upon direction of the Board, may take any of the enforcement actions as set forth in this Title either alone or in combination as necessary to effectuate the achievement of specified performance objectives.
- Section 4.0603 Notification of Violation - Administrative Order - Whenever the District finds that any Community has engaged in conduct which justifies enforcement pursuant to [Section 4.0601](#) hereof, the District may serve or cause to be served upon such Community, a written notice delivered in person or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. Service may be made on any agent, officer or authorized representative of the Community or to the Community's principal place of business. Within thirty (30) consecutive calendar days of the date of receipt of the notice, the Community shall respond in writing to the District, advising of its position with respect to the allegations. Thereafter, the parties may meet to ascertain the veracity of the allegations and where necessary, establish a plan for the satisfactory correction thereof. The District may, at any time by Administrative Order, direct the Community to provide additional

information or to take those actions deemed necessary in a prescribed time frame and manner to achieve Permit compliance.

- Section 4.0604 Show Cause Hearing - Where a violation of this Title or Administrative Order is not corrected by timely compliance, the District may order the Community to show cause before the Board or its designated hearing examiner convened pursuant to Section 1.0303 (Title I) of this Code of Regulations why enforcement action and/or application of charges should not be taken. A written notice shall be served on the Community by personal service or certified mail, return receipt requested, specifying the time and place of a hearing to be held by the Board or its designated hearing examiner regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action, and directing the Community to show cause before the Board or its designated hearing examiner why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than thirty calendar (30) 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 1.0303 (Title 1) of this Code, and the determination by the Board shall be made in the manner prescribed in that Section.
- Section 4.0605 Judicial Proceedings - The Counsel of the District may, following the authorization of such action by the District, commence an action for appropriate legal and/or equitable relief in the appropriate local court or authorize such other actions as are necessary to achieve compliance. Under appropriate circumstances, the Counsel of the District may take such action prior to receipt of Board approval.
- Section 4.0606 Enforcement Actions - Annual Publication - A list of all communities which were subject of enforcement proceedings pursuant to Chapter 6 of this Code during the twelve (12) previous months, shall be annually published by the District in the largest daily newspaper published in the municipality in which the District is located, summarizing the enforcement actions taken against the communities during the same twelve (12) months, (1) whose violations remained at issue 45 or more days after notification of noncompliance, (2) or which have exhibited a pattern of noncompliance over that twelve (12) month period, or (3) fail to accurately report noncompliance.

CHAPTER 7 - CHARGES

- Section 4.0701 Failure to Comply with Regulations - Charges - Any failure to comply with the provisions of this Title may result in charges as follows:
- (a) Establishing an additional combined sewer overflow in violation of [Section 4.0313](#) may result in a charge of \$300 to \$5,000 per day.
 - (b) Failure to meet a compliance plan deadline may result in a charge of up to \$500 per day for each day the compliance plan deadline remains unachieved.
 - (c) Failure to meet a permit performance objective may result in a charge of \$300 to \$5,000 per day for each day the objective is not met.
 - (d) Failure to adequately prevent dry weather overflows as required may result in a charge of up to \$1,000 per day for each location where dry weather overflows occurred and/or the District's actual costs for providing the necessary maintenance to eliminate the dry weather overflow (See [Section 4.0703](#)).
 - (e) Failure to submit monitoring reports or annual compliance reports in a timely manner may result in charges up to \$100 per day for each day said report remains outstanding.
- Section 4.0702 Civil Penalties - Any Community, which is found to have violated an Administrative Order of the District or who has failed to comply with any provision of this Code and the regulations or rules of the District or orders of any court of competent jurisdiction, may be subject to the imposition of a civil penalty.
- Section 4.0703 Recovery of Costs Incurred by the District - Any Community violating any of the provisions of this Code, whose discharge is in violation of its permit, or causes damage to or impairs the District's sewerage system, shall be liable to the District for any expense, loss or damage caused by such violation or discharge. The District may utilize their own forces or those of an outside contractor to implement the actions recommended by a Community's Combined Sewer Compliance Plan or any required emergency action and shall charge a Community directly for the costs incurred. The District shall have the authority to bill the Community for the costs incurred by the District for any cleaning, repair, or replacement work in response to the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of this Title enforceable under the provisions of Chapter 6 of this Title. In addition, charges specified under Section 1.0919 of this Code of Regulation may apply.

Section 4.0704 Falsifying Information - Any person who knowingly makes any false verbal or written statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Title, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Title, may be charged a minimum of \$1,000 to a maximum of \$5,000 per violation.

Section 4.0705 Charge Escrow Accounts - The District, at the discretion of its Board, may deposit any charges collected pursuant to this Chapter in dedicated accounts. Charges collected by the District may be released back to the charged Community for projects dedicated to the upgrading of their local sanitary or combined sewer systems, or may be utilized by the District for other combined sewer overflow control projects at the sole discretion of its Board. The funds contained in said accounts remain the property of the District and may be utilized by a Community only with the prior authorization of the District.

CHAPTER 8 - MAINTENANCE, MONITORING AND CORRECTION

- Section 4.0801 Primary Responsibility - The Community, in response to a Permit issued under this Title shall, in accordance with the schedule incorporated in said Permit and subject to District approval, prepare a maintenance and monitoring program. The monitoring program shall be designed to determine compliance with specific performance objective(s).
- Section 4.0802 District Monitoring - The District shall have the authority to conduct monitoring for verification and other purposes within local sewer systems.
- Section 4.0803 Annual Reports - Certificate of Compliance - The Community shall perform its maintenance and monitoring program on an ongoing basis in order to prevent dry weather overflows and to ensure that the combined sewer system operates efficiently during periods of both dry and wet weather. The Community shall provide an annual report detailing the activities undertaken to prevent dry weather overflows and to maintain its combined sewer system. The District shall review such annual reports and make a determination as to whether or not a Community is in compliance. If a Community is deemed to be in compliance, a certification letter shall be issued. If a Community is not deemed to be in compliance, the District will outline the steps necessary for a Community to be in compliance. The annual report shall be transmitted to the District by the appropriate municipal official.
- Section 4.0804 Further Improvements - If the Community has not obtained a compliance certification letter, the District may issue an Administrative Order requiring additional activities necessary to achieve the performance objective.
- Section 4.0805 Continued Compliance - The Community shall continue to operate, maintain and regulate its combined sewer system in a manner such that performance objectives that have been met shall continue to be met.

CHAPTER 9 - RECORDS RETENTION

Section 4.0901 Records Retention - All Communities subject to this Code shall retain and preserve any records, books, documents, memoranda, reports, correspondence, and any and all summaries thereof relating to planning, design, maintenance, monitoring, sampling, financing and legislative action on the part of a Community in connection with its compliance with its Permit and related Combined Sewer Compliance Plans in accordance with all local, State and Federal laws and regulations including, but not limited to, Chapter 149 of the Ohio Revised Code.

CHAPTER 10 - MISCELLANEOUS PROVISIONS

- Section 4.1001 Control of Toxics into the Environment - Requirement to Store - In the event that a discharge, other than domestic sanitary sewage or residential storm water runoff, is determined to substantially cause or contribute to a water quality violation through its contribution to a combined sewer overflow, that discharge may be regulated under Titles I and II of this Code. Additionally, the District may require said discharger to temporarily cease discharging or to install flow control facilities for the purpose of preventing the release of toxics to the environment via combined sewer overflows, and to allow the District to meet the requirements of its Ohio EPA NPDES Permit for its combined sewer overflows.
- Section 4.1002 Conflicts with Other Titles - The provisions of this Title of the Code of Regulations of the Northeast Ohio Regional Sewer District are intended to be read in conjunction with and complement other provisions of the Code of Regulations.
- Section 4.1003 Severability - If the provisions of any paragraph, section or article of this Title are declared unconstitutional or invalid by the final decision of the court of competent jurisdiction, the provisions of the remaining paragraphs, sections or articles shall continue in full force and effect.
- Section 4.1004 Acceptance - By discharging to the system of the District, the discharging party agrees to comply with all terms and regulations of the District and to be bound by said terms, conditions and regulations.