



# Avon Lake Regional Water Regulations

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## Chapter 1100 – Avon Lake Board of Municipal Utilities.

### 1101. Power and Authority of the Board.

**1101.01.** Board of Municipal Utilities. Pursuant to Chapter IX, Section 45 of Avon Lake’s Charter, the Avon Lake Board of Municipal Utilities (the “Board”) has the responsibility to manage and operate the City of Avon Lake’s utilities, including but not limited to the Water Filtration Plant (“WFP”) and the Water Reclamation Facility (“WRF”), also known as the Water Pollution Control Center (“WPCC”), and their related distribution and collection systems along with all related appurtenances. Avon Lake Regional Water, by and through the Chief Utilities Executive (“CUE”), at the direction of the Board, shall be responsible for the collection of such equitable charges, in sufficient amounts, as is necessary for the operations of the said facilities and performance of the needed services, all as determined by the Board.

**1101.02.** Authority to Enter into Contracts. Pursuant to Chapter IX, Section 51 of the Avon Lake’s Charter, together with Sections 743.07 and 735.29 of the ORC, the Board

has the authority to enter into contracts on behalf of the City of Avon Lake (the “City”) for all purposes necessary for the full and efficient management and construction of waterworks, electric light, power, and gas plants, and such other similar public utilities owned by the City. The CUE shall sign on behalf of the Board and in the name of the City any and all contracts which are authorized by the Board. The signature of the CUE on contracts authorized by the Board shall be sufficient evidence of the Board’s intent to be bound to such contract and, pursuant to Chapter IV, Section 19 of the City’s Charter, no signature by the Mayor shall be required on any such contract authorized by the Board.

## **1102. Regulations.**

**1102.01. Authority for the Regulations.** Pursuant to Chapter IX, Section 51 of the City’s Charter, the Board may make such by-laws and regulations, and appoint or employ such personnel as it may deem necessary for the safe, economical and efficient management, operation, and protection of such works, plants, and public utilities, and such by-laws and regulations have the same validity as municipal ordinances when not repugnant to the ordinances of the City, the Ohio Constitution and the City’s Charter.

**1102.02. Purpose of the Regulations.** These Regulations have been enacted by the Board to govern and regulate the safe use of the Water and Wastewater Systems within the City.

**1102.03. Scope/Applicability of Regulations.** Every Person who has water and/or sanitary sewer service to his or its premises, and every Person who has water and/or sanitary sewer service to the premises of another Owner after having made formal application for said services to Avon Lake Regional Water, shall be considered as having expressed his or its consent to be governed by these Regulations.

**1102.04. Validity.** If any provision, paragraph, word, section, or article of these Regulations is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall continue in full force and effect.

**1102.05. Amendment of Regulations.** Pursuant to Chapter IX, Section 50 of the City’s Charter, a majority of the members elected to the Board shall constitute a quorum to do business. On the passage of every by-law, regulation, motion, resolution, or other matter coming before the Board, the vote shall be taken by a “yes” or “no” vote of each member present which shall be entered into the meeting minutes of the Board. No by-law, regulation, motion, resolution, or other matter shall be passed without the concurrence of a majority of the members of the Board who are present at the meeting at which a quorum of the Board is present. (Rev. 12-3-13)

**1102.06. Definitions.** As used in these Regulations, the following terms shall have the meanings set forth below (such meanings to be equally applicable to both the singular and plural forms of the terms defined), which shall apply in the interpretation and enforcement of these Regulations:

**(A)(1).** “Act” or the “Clean Water Act” means the Federal Water Pollution Control Act, as amended from time to time (33 U.S.C. §§ 1251, et. seq.).



**(A)(2).** Administrative Fee means the charge assessed users to cover billing costs (including meter reading) and laboratory costs. Billing, laboratory, and other costs associated with Industrial Surcharges are not included in the Administrative Fee.

**(A)(3).** “Air Gap Separation” means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the receptacle.

**(A)(4).** “ANSI” means the American National Standards Institute.

**(A)(5).** “ASTM” means the American Society for Testing Materials.

**(A)(6).** “Avon Lake Regional Water” or “ALRW” means the utility described in **Chapter 1200** of these Regulations.

**(A)(7).** “Avon Lake Wastewater System” means the Water Reclamation Facility (WRF), or also known as the Water Pollution Control Center (WPCC), and all related systems, facilities, and appurtenances, owned by the City and operated by ALRW.

**(A)(8).** “Avon Lake Water System” means the Public Water System, including the Potable Water system, and all related systems, facilities including the Water Filtration Plant (WFP), and appurtenances, owned by the City and operated by ALRW.

**(A)(9).** “AWWA” means the American Water Works Association.

**(B)(1).** “Backflow” means the flow of water or other liquids, mixtures, or substances into the distributing pipes of a Potable Water supply from any source other than the intended source of the Potable Water supply.

**(B)(2).** “Backflow Prevention Device” means any device, method, or type of construction intended to prevent Backflow into a Potable Water system.

**(B)(3).** “Best Management Practices” or “BMP” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in **Section 3401.02** of these Regulations. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

**(B)(4).** “Billable Water Consumption” means the amount of Potable Water used during the applicable billing period and shall be calculated from the water meter readings and adjusted in accordance with **Section 4105** or otherwise as set forth in these Regulations.

**(B)(5).** “Biochemical Oxygen Demand” or “BOD” means the quantity of oxygen utilized in the biochemical oxidation of organic matters under standard laboratory procedure in five (5) days at twenty degrees centigrade [20°C (68°F)], expressed

in parts per million [ppm (mg/l)] by weight, and in accordance with procedures set forth in Standard Methods.

**(B)(6).** “Board” means the duly elected Board of Municipal Utilities of Avon Lake, Ohio.

**(B)(7).** “Building Drain” means that part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the Building Sewer, which begins five (5) feet (1.5 meters) outside the interface of the building wall.

**(B)(8).** “Building Sewer” means the extension from the Building Drain to the Public Sewer or place of disposal.

**(B)(9).** “Bypass” means the intentional diversion of wastes from any portion of the wastewater treatment system.

**(C)(1).** “Certified Backflow Prevention Person” means a Person with a Backflow Certificate from the Ohio Department of Commerce or Operator Training Committee of Ohio (OTCO).

**(C)(2).** “CFR” means the Code of Federal Regulations.

**(C)(3).** “Chemical Oxygen Demand” or “COD” means the quantity of oxygen utilized in the chemical oxidation of organic matter under standard laboratory procedures, expressed in parts per million [ppm (mg/l)] by weight, and in accordance with procedures set forth in Standard Methods.

**(C)(4).** “City” means the City of Avon Lake, Ohio.

**(C)(5).** “Combined Sewer” means a sewer designed to carry Sanitary Sewage, storm water, or Industrial Wastes, or any combination of the three.

**(C)(6).** “Compatible Pollutants” mean Biochemical Oxygen Demand, Suspended Solids, pH, and fecal coliform bacteria, plus additional Pollutants identified in the NPDES permit if the WPCC was designed to treat such Pollutants and, in fact, does remove such Pollutants to a substantial degree.

**(C)(7).** “Consumer” means the Owner or Person in control of any premises, or Owner or Person responsible for payment of services provided to any premises, supplied by, or in any manner connected to, the Avon Lake Water System.

**(C)(8).** “Consumer’s Water System” means any water system located on the Consumer’s premises which is supplied by, or in any manner connected to, the Avon Lake Water System. A household plumbing system is considered to be a Consumer’s Water System. For a pit (outside) meter location, it shall be from meter to the premises, and for an inside meter, it shall be from the curb stop to the premises.

**(C)(9).** “Contamination” means an impairment of the quality of the water by sewage, Process Fluids, or waste to a degree that could create an actual hazard to the public health through poisoning or through spread of disease by exposure.

**(C)(10).** “Cooling Water.”

**(a).** “Uncontaminated Cooling Water” means water used for cooling purposes only, which has no direct contact with any raw material, intermediate, or final product and that does not contain a level of contaminants detectably higher than that of the intake water.

**(b).** “Contaminated Cooling Water” means water used for cooling purposes only, which may become contaminated either through the use of water treatment chemicals used for corrosion inhibitors or biocides, or by direct contact with process materials and/or wastewater.

**(C)(11).** “Cross-connection” means any arrangement whereby Backflow can occur.

**(C)(12).** “CUE” means the Chief Utilities Executive, who is the authorized Person appointed or employed by the Board having executive authority over the Avon Lake Water System and the Avon Lake Wastewater System. Any and all references to the CUE shall include the CUE or his authorized deputy, agent, or representative.

**(C)(13).** “CUO” means the Chief of Utility Operations, who is the authorized person appointed or employed by the Board having supervision of the maintenance and operation of the Avon Lake Water System and the Avon Lake Wastewater System. Any and all references to the CUO shall include the CUO or his authorized deputy, agent, or representative.

**(D)(1).** “Daily Maximum” means the maximum allowable discharge of Pollutant during a calendar day. Where Daily Maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum limitations are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the Pollutant concentration derived from all measurements taken that day.

**(D)(2).** “Discharge Permit” shall be the Industrial User’s authorization to discharge to the Avon Lake Wastewater System as issued by Avon Lake Regional Water. The Industrial User shall be subject to all standard conditions of the Discharge Permit, as set forth in these Regulations, and to the specific discharge limits and monitoring requirements set forth in the Discharge Permit.

**(D)(3).** “Double Check Valve Assembly” means an assembly composed of two single, independently acting, check valves, including tightly closing shutoff valves located at each end of the assembly, and suitable connections for testing the water-tightness of each check valve.

**(E)(1).** “Excess Pounds” means the number of pounds discharged for a given wastewater constituent above that allowed for Normal Strength Domestic Sewage. It shall be calculated in as set forth in **Chapter 4302** of these Regulations.

**(G)(1).** “Garbage” means all putrescible wastes except human excreta, sewage, and other water-carried wastes, including vegetable and animal offal and carcasses of dead animals, and shall include all such substances from all public and private establishments and from all residences in the City.

**(G)(2).** “Grab Sample” means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

**(H)(1).** “Health Hazard” means any condition, device, or practice in a water system or its operation that creates, or may create, a danger to the health and well-being of users. The word “severe” as used to qualify “Health Hazard” means a hazard to the health of the user that could reasonably be expected to result in significant morbidity or death.

**(I)(1).** “Indirect Discharge” means the introduction of a Pollutant into the WPCC from any non-domestic source regulated under Section 307 (b), (c) or (d) of the Clean Water Act (33 U.S.C. § 1317).

**(I)(2).** “Industrial Surcharge” means the charge assessed for users who contribute waste, which, by its strength or constituent Pollutants, is not considered normal, domestic strength sewage and is an allowable discharge under **Section 4302** of these Regulations. The Industrial Surcharge shall recover the costs attributable to the treatment of such wastes, including the disposal of sludge, above those that would be incurred for treating normal domestic strength sewage, plus costs for billing, monitoring, sampling, analysis, and other non-treatment related expenses associated with the Industrial Surcharge.

**(I)(3).** “Industrial User” means a source of an Indirect Discharge.

**(I)(4).** “Industrial Waste” means any solid, liquid, or gaseous substance discharged, permitted to flow, or escaping from any industrial, manufacturing, commercial, or business establishment or process, or from the development, recovery, or processing of any natural resource.

**(I)(5).** “Interchangeable Connection” means an arrangement or device that will allow alternate, but not simultaneous, use of two sources of water.

**(I)(6).** “Interference” means a discharge, which alone or in conjunction with a discharge or discharges from other sources, both: (a) inhibits or disrupts the Water Reclamation Facility treatment processes or operation or its sludge processes, use, or disposal; and (b) is a cause of a violation of any of the requirements of the Water Reclamation Facility’s NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder: Section 405 of the Clean Water Act (33 U.S.C. § 1345); the Solid Waste Disposal Act (“SWDA”) including but not limited to Title II more commonly referred to as the Resource Conservation and Recovery Act (“RCRA”) and State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substance Control Act; and the Marine Protection, Research and Sanctuaries Act.

**(M)(1).** “Minimum Service Charge” means the charge assessed to residential users with the standard 3/4” meter to cover billing costs (including meter reading) for water and wastewater services. The Minimum Service Charge includes the first 2,000 gallons of usage.

**(M)(2).** “Monthly Average” means the arithmetic mean of the values for effluent samples collected during a calendar month or specified 30-day period (as opposed to a rolling 30-day window).

**(N)(1).** “National Categorical Pretreatment Standards” or “Categorical Pretreatment Standards” or “Pretreatment Standard” means any federal regulation containing pollutant discharge limits promulgated by the US EPA in accordance with Section 307 (b) and (c) of the Act, (33 U.S.C. § 1317) which applies to a specific category of Industrial Users.

**(N)(2).** “National Pollution Discharge Elimination System Permit” or “NPDES Permit” means a permit issued to the Water Reclamation Facility pursuant to Section 402 of the Clean Water Act (33 U.S.C. § 1342).

**(N)(3).** “Normal Strength Domestic Sewage” as defined for the purpose of determining surcharge means sewage having an average daily suspended solids concentration of not more than 400 parts per million, an average daily BOD concentration of not more than 365 parts per million, an average daily COD concentration of not more than 725 parts per million, an average daily oil and grease (freon soluble) concentration of not more than 10.0 parts per million, and an average daily ammonia (measured as N) concentration of not more than 30.0 parts per million.

**(O)(1).** “OAC” means the Ohio Administrative Code.

**(O)(2).** “Ohio EPA” means the Ohio Environmental Protection Agency.

**(O)(3).** “Operator” means the Person responsible for the overall operation of a facility.

**(O)(4).** “ORC” means the Ohio Revised Code.

**(O)(5).** “Owner” means the Person who owns a premises, building, or facility or a portion thereof.

**(P)(1).** “Pass-through” means the discharge of pollutants through the Water Reclamation Facility into navigable waters in quantities or concentrations which are a cause of or significantly contribute to a violation of any requirement of the Water Reclamation Facility’s NPDES permit.

**(P)(2).** “Person” means any individual, firm, company, association, society, corporation, group, or a political subdivision, including any city or state.

**(P)(3).** “pH” means the logarithm of the reciprocal of the concentration of hydrogen ions in moles per liter of solution.

**(P)(4).** “Pollutant” means the dredged spoils, solid waste, incinerator residue, wastewater, garbage, wastewater sludge, munitions, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, commercial, domestic, and agricultural waste discharged into water.

**(P)(5).** “Pollution” means the presence of a Pollutant or any foreign substance in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree that does not create an actual hazard to the public health, but that does adversely and unreasonably affect such waters for domestic use.

**(P)(6).** “Pollution Hazard” means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the Public Water System or a potable Consumer’s Water System.

**(P)(7).** “Potable Water” means water that is satisfactory for drinking, culinary, and domestic purposes and meets the requirements of the Ohio EPA.

**(P)(8).** “Pretreatment” means the reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such Pollutants into the Water Reclamation Facility.

**(P)(9).** “Pretreatment Requirements” means any substantive or procedural requirement related to Pretreatment, other than a National Categorical Pretreatment Standard, imposed on an Industrial User.

**(P)(10).** “Process Fluids” means any fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration such as would constitute a health, Pollution, or system hazard if introduced into the Public Water System or a Consumer’s Potable Water system. Process Fluids include, but is not limited to: (a) polluted or contaminated waters; (b) process waters; (c) used water that has passed through a Service Connection and is no longer under the control of Avon Lake Regional Water, which may have deteriorated in sanitary quality; (d) Cooling Waters; (e) contaminated natural waters taken from wells, lakes, streams, or irrigation systems; (f) chemicals in solution of suspension; or (g) oils, gases, acids, alkalis, and other liquid and gaseous fluids used in industrial or other processes, or for firefighting purposes.

**(P)(11).** “Public Records” shall have the same definition as in Section 149.43 of the ORC, as amended from time to time.

**(P)(12).** “Public Water System” means any publicly or privately owned Potable Water system subject to Chapters 6111 and 6109 of the ORC.

**(P)(13).** “Public Use” means the use of distribution of industrial or Potable Waters when applied to the needs of two (2) or more separate Consumers.

**(R)(1).** “Reduced Pressure Principle Backflow Prevention Device” means a device containing a minimum of two independently acting check valves, together with an automatically operated pressure differential relief valve located between

the two check valves. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

**(S)(1).** “Sanitary Sewage” means the waste from water closets, urinals, lavatories, sinks, bathtubs, showers, household laundries, cellar floor or other inside drains, septic tanks, sump pumps, bars, soda fountains, cuspidors, refrigerator drips, drinking fountains, stable floor drains, and other waterborne waste not constituting an Industrial Waste.

**(S)(2).** “Sanitary Sewer” shall mean a sewer that carries Sanitary Sewage and Industrial Waste and to which storm, surface, and groundwaters are not intentionally admitted.

**(S)(3).** “Sanitary Sewer System” means all sewers, pump stations, overflows and other appurtenances which are controlled by the Board. It does not include the system of storm sewers owned by the City.

**(S)(4).** “Service Connection” means the terminal end of a service line from the Avon Lake Water System. If a meter is installed at the end of the service in a pit, then the Service Connection means the downstream end of the meter, and with an inside meter, it shall be from the curb stop.

**(S)(5).** “Shall” is mandatory; “may” is permissible.

**(S)(6).** “Significant Industrial User” or “SIU” means:

**(a).** All dischargers subject to Categorical Pretreatment Standards under 40 CFR Chapter I, Subchapter N; and

**(b).** All noncategorical dischargers that,

**(i).** have a reasonable potential to adversely affect the Avon Lake Wastewater System as determined by Avon Lake Regional Water;

**(ii).** discharge or has the potential to discharge 25,000 gallons or more of process water (excludes sanitary water, non-contact Cooling Water, and boiler blowdown) in a day; or

**(iii).** contribute a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the Water Reclamation Facility.

**(c).** However, Avon Lake Regional Water need not designate as significant any noncategorical Industrial User that it determines has no potential for adversely affecting the Water Reclamation Facility’s operation or for violating any Pretreatment Standard or requirement.

**(d).** Any noncategorical Industrial User designated as significant may petition the Board to be deleted from the list of Significant Industrial Users on the grounds that it has no potential for adversely affecting the Water Reclamation Facility's operation or violating any Pretreatment Standard or requirement.

**(S)(7).** "Sludge" means any solid, semi-solid or liquid waste generated by a municipal, commercial, or Industrial Wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other waste having similar characteristics and effects as defined in standards issued under Section 402 of the Act (33 U.S.C. § 1342) and Section 405 of the Act (33 U.S.C. § 1345) and in the applicable requirements under Section 2001, 3004, and 4004 of the Solid Waste Disposal Act (PL 94-580; 42 U.S.C. §§ 6901- 6992k).

**(S)(8).** "Slug" or "Slug Discharge" means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge that has a reasonable potential to cause Interference or Pass-through, or in any other way violate these Regulations, local limits or permit conditions.

**(S)(9).** "Standard Methods" means the current edition of Standard Methods for the Examination of Water and Wastewater as published by the American Public Health Association, AWWA, and Water Pollution Control Federation.

**(S)(10).** "State" means the State of Ohio and any of its employees or representatives.

**(S)(11).** "Storm Sewer" means a sewer that carries Storm Water, surface water, and groundwater drainage, but excludes sewage and Industrial Wastes.

**(S)(12).** "Storm Water" means water flowing from surface drainage, rain water from roofs, sub-soil drainage, cistern overflow, water from condensers, cooling systems, and other water which is free from Sanitary Sewage or Industrial Wastes.

**(S)(13).** "Suspended Solids" means solids that either float on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering. Quantitative determination of Suspended Solids shall be made in accordance with procedures set forth in Standard Methods.

**(S)(14).** "System Hazard" means a condition posing an actual or potential threat of damage to the physical properties of the Public Water System or a Consumer's potable water system.

**(T)(1).** "Toxic Pollutant" means any Pollutant or combination of Pollutants that is or can potentially be harmful to public health or the environment including those listed as toxic in regulations promulgated by the US EPA under the provisions of the Clean Water Act.

**(U)(1).** "Unimproved Land" or "Unimproved Real Property" means property that does not have or need running water and/or wastewater services.



**(U)(2).** “Upset” means an incident in which an Industrial User unintentionally and temporarily is in a state of noncompliance with the standards set forth in these Regulations due to factors beyond the reasonable control of the User, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.

**(U)(3).** “US EPA” means the United States Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

**(U)(4).** “U.S.C.” means the United States Code as amended from time to time.

**(W)(1).** “Wastewater” means the combination of water carried wastes from residences, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is contributed to or permitted to enter the Avon Lake Wastewater System.

**(W)(2).** “Wastewater Service Charge” means those wastewater charges identified in **Chapter 4300** of these Regulations.

**(W)(3).** “Water Distribution System” means the system of water mains, pipes, pumps, systems, facilities, and appurtenances.

**(W)(4).** “Water Filtration Plant” or “WFP” means the water treatment plant owned and operated by Avon Lake Regional Water. It includes the treatment processes, equipment and support facilities, laboratory and administrative offices, and all other facilities related to raw water treatment and distribution.

**(W)(5).** “Water Reclamation Facility” or “WRF,” also known as the “Water Pollution Control Center” or “WPCC,” means the wastewater treatment plant owned and operated by Avon Lake Regional Water. It includes the treatment processes, solids handling and disposal facilities, equipment and support facilities, laboratory and administrative offices, and all other facilities related to wastewater treatment.

**(W)(6).** “Water Service Charge” means those water charges identified in **Chapter 4200** of these Regulations.

**(W)(7).** “Weekly Average” means the arithmetic mean of the values for effluent samples collected over a period of seven consecutive days.

## **Chapter 1200 - Avon Lake Regional Water.**

### **1201. Rights and Responsibility of Avon Lake Regional Water.**

**1201.01.** Avon Lake Regional Water is responsible for providing drinking water to the residents of the City and providing means for safely managing wastewater. Specifically, Avon Lake Regional Water oversees all operations and maintenance of the Water Filtration Plant, the Water Reclamation Facility, and all their appurtenances and related functions.

**1201.02.** Avon Lake Regional Water is also responsible for the fiscal management of the operations set forth in **Section 1201.01**, which includes the right to collect charges and fees as set forth in these Regulations.

**1201.03. Water Supply and Pressure.**

**(A).** Avon Lake Regional Water will endeavor to maintain a continuous supply of water under full pressure. When emergency or accident occasion the need for temporary interruption, there will be an attempt made to notify Consumers of such interruption.

**(B).** No Guarantee of Pressure. Avon Lake Regional Water does not guarantee a fixed or continuous pressure of water, which is subject to the variable conditions which may arise in the operation and maintenance of the Avon Lake Water System. Avon Lake Regional Water shall not be liable for damage due to change in pressure.

**(C).** Reserve Supply. Consumers whose operations require a constant and steady supply of water should provide against interruptions in service by the installation of tanks or other approved means sufficient to carry them over a period of interruption or their own peak demand periods.

**1201.04. Interruption of Service.** In the case of leaks or breaks and/or failure in mains, pumps, or other equipment relating to the water supply or its distribution, Avon Lake Regional Water will make an attempt to notify the affected Consumers of the interruption, but, in the case of any emergency, the supply of water may be shut off without notice.

**1201.05. Water Quality Standards.** Potable Water furnished by Avon Lake Regional Water will meet or exceed United States Public Health Service and Ohio EPA standards for human consumption. Avon Lake Regional Water does not guarantee Potable Water quality furnished in excess of these standards.

**1202. Operation of Water System.** Only duly authorized agents of Avon Lake Regional Water shall operate any valve, stop cock, or corporation stop or remove the cover from any curb box or meter box located on the Avon Lake Water System.

**1203. Operation of Wastewater System.** Only duly authorized agents of Avon Lake Regional Water shall access or operate any manholes, manhole covers, or other access locations, or pump stations located on the Avon Lake Wastewater System.

**1204. Entrance to Premises.** Any duly authorized employee of Avon Lake Regional Water, upon the presentation of proper credentials, may enter any property or premises at reasonable times for inspecting, monitoring, reading, or repairing equipment or records, sampling of water or discharges, or for any other purpose that Avon Lake Regional Water may deem necessary for the proper operation and maintenance of its systems. Under emergency circumstances, the permission to enter shall be granted at any hour. If the duly authorized employee of Avon Lake Regional Water is denied entry upon any property during a reasonable time, services to said property may be discontinued in accordance with **Section 5113** of these Regulations.

## **1205. Limits to Liability.**

**1205.01. Compensation for Damages.** It is hereby made a condition precedent to the use of water or disposal of Wastewater that no damage or compensation shall be demanded of Avon Lake Regional Water or the Board by any property Owner or tenant for any injury, damage, or loss caused by the breakage of any service pipe or service cock, by the shutting off of water to repair or alter mains, or by the shutting off of water for any other purpose, provided reasonable effort to notify has been made, or for any injury, damage, or loss caused by any sewer backup.

**1205.02. Repairs to Land Only.** The lawn repair is required because of work done by Avon Lake Regional Water and is no fault of the property owner and that watering the lawn to facilitate growth is a cost to property owners. Therefore, the Board hereby grants all property owners so affected a deduction of 4,000 gallons from their next regular water bill after the repair work is completed.

**1206. Avon Lake Regional Water Offices.** Applications, calls for service, and payment of charges shall be made at the office of Avon Lake Regional Water. Office hours are generally between 8:00 A.M. and 4:30 P.M. weekdays and closed weekends and holidays.

Avon Lake Regional Water  
201 Miller Road  
Avon Lake, Ohio 44012  
Telephone Number: 440-933-6226

**1207. Further Information.** Additional information is available on ALRW's website at [avonlakewater.org](http://avonlakewater.org). Please address inquiries to: Avon Lake Regional Water, 201 Miller Road, Avon Lake, Ohio 44012. Phone 440-933-6226 Fax 440-933-8842.

## **Chapter 1300 – Public Records.**

### **1301. Public Records Requests.**

**1301.01.** If any Person desires to request copies of any documents from Avon Lake Regional Water pursuant to Chapter 149 of the ORC, upon such request, all Public Records responsive to such request shall be promptly prepared and made available for inspection to any Person at all reasonable times during regular business hours of Avon Lake Regional Water, subject to Section 149.43(B)(4)(8) of the ORC, as amended from time to time. Avon Lake Regional Water may request that a Person put the request in writing; however, subject to certain exceptions provided by law, Avon Lake Regional Water shall first inform the requester that (i) such written request would enhance Avon Lake Regional Water's ability to identify, locate or deliver the records sought, (ii) that a writing is not mandatory and (iii) that the requestor has the right to decline.

**1301.02.** Avon Lake Regional Water shall make copies of the requested Public Records available at cost in accordance with **Schedule I** attached hereto, and within a reasonable period of time.

**1301.03.** In no event shall any Person have the right to review any document that is not a Public Record, which includes, but is not limited, to the following: medical records, trial

preparation records, confidential law enforcement investigatory records, and intellectual property records or other proprietary information. If a Public Record contains information that is exempt from the duty to permit public inspection or to copy the Public Record, Avon Lake Regional Water shall make available all of the information within the Public Record that is not exempt. When making that Public Record available for public inspection or copying that Public Record, Avon Lake Regional Water shall notify the requester of any redaction or make the redaction plainly visible. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or State law authorizes or requires a public office to make the redaction.

**1301.04.** If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of Public Records under this Section such that Avon Lake Regional Water cannot reasonably identify what Public Records are being requested, Avon Lake Regional Water may deny the request but shall provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained by Avon Lake Regional Water and accessed in the ordinary course of Avon Lake Regional Water's duties and responsibilities.

**1301.05.** If a request is ultimately denied, in part or in whole, Avon Lake Regional Water shall provide the requester with an explanation, including legal authority, setting forth why the request was denied. If the initial request was provided in writing, the explanation also shall be provided to the requester in writing. The explanation shall not preclude Avon Lake Regional Water from relying upon additional reasons or legal authority in defending an action commenced under Section 149.43(C) of the ORC.

**1302. Destruction of Public Records.** Avon Lake Regional Water shall not destroy or transfer any of its Public Records except in compliance with Chapter 149 of the ORC. Prior to the destruction or transfer of any of its Public Records, Avon Lake Regional Water shall cause to be submitted to the State records program all applications for records disposal or transfer and all schedules of records retention and destruction. Avon Lake Regional Water shall comply with all requests for destruction or transfer of Public Records as approved by the State records administrator and the State auditor.

[END OF TITLE 1]

## **TITLE 2 – WATER**

### **Chapter 2100 – Avon Lake Water System.**

**Section 2101. Public Water Supply.**

**Section 2102. Protecting the Water System.**

### **Chapter 2200 – Backflow Prevention and Cross Connection Control Program.**

**Section 2201. Program Overview.**

**Section 2202. Surveys and Investigations.**

**Section 2203. Where Protection is Required.**

**Section 2204. Type of Protection Required.**

**Section 2205. Backflow Prevention Devices.**

**Section 2206. Booster Pumps.**

**Section 2207. Backflow Testing Falsification.**

**Section 2208. Water-Powered Sump Pumps.**

**Section 2209. In-ground Sprinkler System.**

### **Chapter 2300 – Meters, Taps and Service Connections.**

**Section 2301. Application for Tap and Service Connection.**

**Section 2302. Taps.**

**Section 2303. Service Connections.**

**Section 2304. Meters.**

**Section 2305. Service Lines.**

**Section 2306. Prohibitions.**

### **Chapter 2400 – Water Main Extensions.**

**Section 2401. Submittal of Plans.**

**Section 2402. Minimum Standards.**

**Section 2403. Water Line Inspection Fee.**

**Section 2404. Testing.**

**Section 2405. Disinfecting Water Lines.**

**Section 2406. Guarantee of New Water Mains.**

**Section 2407. Water for Construction.**

**Chapter 2500 – Water Use.**

**Section 2501. Application for Water Service.**

**Section 2502. Temporary Service.**

**Section 2503. Vacancy.**

**Section 2504. Fire Hydrants.**

**Section 2505. In-Ground Sprinkler System.**

**Section 2506. Yard Hydrants.**

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**Chapter 2100 – Avon Lake Water System.**

**2101. Public Water Supply.**

**2101.01.** No water supplies or water pipes for Public Use shall be constructed or operated within the limits of the City except as approved by Avon Lake Regional Water. See **Chapter 2400**.

**2101.02. Connecting to Other Water Supplies.** The Water Distribution System of the City shall not be connected with pipes supplied with water from other sources, except as may be particularly permitted by written authorization of the Board and the Ohio EPA, excepting emergency situations.

**2101.03. Exemptions.** Restrictions provided herein shall not apply to the development and use of water for industrial purposes by The Illuminating Company or by any other corporation as may be specifically exempted by appropriate action, provided water supplies developed by them be devoted to their own particular use.

**2102. Protecting the Water System.**

**2102.01. Connecting to the Public Water Supply.** No Person shall tap any water pipe belonging to Avon Lake Regional Water nor place any Service Connection therefor in any street, road, or public way, except under permit by Avon Lake Regional Water. See **Chapter 2300** of these Regulations.

**2102.02. Tampering with the Water System.** No Person shall tamper with, injure, or operate any water pipe, pump, motor, valve, hydrant, or water meter, or any part of

appurtenances of the water supply or water treatment plant, or any equipment or property of Avon Lake Regional Water except as properly authorized so to do.

**2102.03. Pollution of the Water Supply.** No Person shall deposit, or cause to be deposited, any matter or material in any reservoir or tank of the water system or into any water pipe, nor shall he use the water services of Avon Lake Regional Water in such manner as to permit the entry of a Pollutant into the water supply thereof.

## **Chapter 2200 – Backflow Prevention and Cross Connection Control Program.**

**2201. Program Overview.** Avon Lake Regional Water is responsible for protection of the Public Water System of the City from contamination due to Backflow of contaminants through the water service connection. This Program shall comply with Avon Lake Regional Water’s responsibilities under Section 3745-95 of the OAC.

### **2201.01. Prohibitions.**

**(A).** No person shall install, create, or allow a Cross-connection or interconnection with any other supply of water when not approved by Avon Lake Regional Water. This prohibition includes installation of pipe and fixtures such that a possibility of Backflow or back-siphonage exists.

**(B).** No Person shall establish, or permit to be established, or maintain, or permit to be maintained, any connection whereby a private, auxiliary, or emergency water may enter Avon Lake Water System, unless such private, auxiliary, or emergency water supply, the method of connection, and use of such supply shall have been approved by Avon Lake Regional Water and the Ohio EPA.

See OAC 3745-95-02.

**2201.02. Notice.** Avon Lake Regional Water shall give notice to the Consumer of a potential source of Backflow and/or contamination and require the Consumer to install such approved Backflow Prevention Device(s) at each service connection to the premises.

**2201.03. Penalty.** The Consumer shall immediately install such approved devices at his expense; and failure, refusal, or inability on the part of the Consumer to install the said devices immediately shall constitute grounds for the discontinuing of water service to the premises in accordance with **Section 5113**. Service may not be restored until the required devices are installed and any additional requirements of **Section 5113** are satisfied.

## **2202. Surveys and Investigations.**

**2202.01.** Avon Lake Regional Water shall conduct, or cause to be conducted, periodic surveys and investigations of industrial and other properties served by the Avon Lake Water System where actual or potential Cross-connections to the Avon Lake Water System may exist and through which contaminants or Pollutants could Backflow into the Avon Lake Water System.

**2202.02.** A duly authorized representative of Avon Lake Regional Water shall have the right to enter, at any reasonable time, any property served by a connection to the Avon Lake Water System for the purpose of making surveys or investigations of water use

practices within the premises. Upon request, the Owner, lessees, or occupants of any property so served shall furnish any information requested regarding the piping system(s) or water use on such property. The refusal to provide such information when requested shall be deemed evidence of the presence of improper connections and constitute grounds for discontinuing water service to the premises in accordance with **Section 5113**.

**2202.03.** Surveys and investigations by Avon Lake Regional Water shall not relieve the Consumer of the responsibility or liability for conducting periodic surveys of water use practices on his/its premises to determine whether there are actual or potential Cross-connections in the Consumer's Water System through which contaminants or Pollutants could Backflow into the Avon Lake Water System or the Consumer's Potable Water system.

See OAC 3745-95-03.

## **2203. Where Protection is Required.**

**2203.01.** A Backflow Prevention Device is required under the following conditions:

**(A).** An approved Backflow Prevention Device shall be installed on each service line to a Consumer's Water System serving premises where, actual or potential hazards to the Public Water System exist as determined by Avon Lake Regional Water or the Ohio EPA.

**(B).** An approved Backflow Prevention Device shall be installed on each service line to a Consumer's Water System serving premises where any of the following conditions exist:

**(1).** Premises having an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by Avon Lake Regional Water and the source is approved by the Ohio EPA.

**(2).** Premises on which any substance is handled in such a fashion as to create an actual or potential hazard to the Avon Lake Water System. This shall include premises having sources or systems containing Process Fluids or water originating from the Avon Lake Water System which are no longer under the sanitary control of Avon Lake Regional Water.

**(3).** Premises having internal Cross-connections that, are not correctable or intricate plumbing arrangements that make it impractical to determine whether or not Cross-connections exist.

**(4).** Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete Cross-connection survey.

**(5).** Premises having a repeated history of Cross-connections being established or re-established.

**(6).** Others as may be specified by Avon Lake Regional Water or the Ohio EPA.



**(C).** The following requirements apply to premises that have an auxiliary water system on the real property that is owned or under control of the consumer and adjacent to the premises:

**(1).** A physical separation shall be maintained between the public water system or a consumer's water system and the auxiliary water system as required by paragraph (B) of rule 3745-95-02 of the OAC.

**(2).** An approved backflow preventer shall be installed on each service connection serving the consumer's water system, unless the supplier of water does all of the following:

**(a).** Determines, on a case-by-case basis, that the installation of an approved backflow preventer on a service connection is not required in consideration of factors including, but not limited to, the past history of cross connections being established or re-established on the premises, the ease or difficulty of connecting the auxiliary water system with the public water system on the premises, the presence or absence of contaminants on the property or other risk factors.

**(b).** Requires the consumer to sign an agreement which specifies the penalties, including those set forth in rule 3745-95-08 of the OAC, for creating a connection between the public water system and the auxiliary water system.

**(c).** Conducts or causes to be conducted an inspection at least every twelve months to certify that no connection or means of connection has been created between the public water system and the auxiliary water system.

**(d).** Maintains an inventory of each consumer's premises where an auxiliary water system is on or available to the premises, or on the real property adjacent to the premises.

**(e).** Develops and implements an education program to inform all consumers served by the public water system about the dangers of Cross-connections and how to eliminate Cross-connections.

**(D).** An approved Backflow Prevention Device shall be installed on each service line to a Consumer's Water System serving premises that operate as the following types of facilities, unless Avon Lake Regional Water or the Ohio EPA determines that no actual or potential hazard to the Avon Lake Water System exists:

**(1).** Hospitals, mortuaries, clinics, nursing homes;

**(2).** Laboratories;

**(3).** Piers, docks, waterfront facilities;

- (4). Sewage treatment plants, sewage pumping stations, or Storm Water pumping stations;
- (5). Food or beverage processing plants;
- (6). Chemical plants;
- (7). Metal plating industries;
- (8). Petroleum processing or storage plants;
- (9). Radioactive material processing plants or nuclear reactors;
- (10). Car wash facilities; or
- (11). Other facility specified by Avon Lake Regional Water or the Ohio EPA.

(E). Auxiliary Supply. An approved Backflow Prevention Device shall be installed at any point of connection between the Avon Lake Water System and an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by Avon Lake Regional Water and the Ohio EPA.

See OAC 3745-95-04.

**2204. Type of Protection Required.** Backflow Prevention Devices installed on a property's water service as required by these Regulations must be approved Avon Lake Regional Water.

**2204.01.** The type of protection required under **Section 2203.01(A), (B), (C), and (D)** of these Regulations shall depend on the degree of hazard which exists as follows:

(A). An approved Air Gap Separation shall be installed where the Public Water System may be contaminated with substances that could cause a severe Health Hazard.

(B). An approved Air Gap Separation or Reduced Pressure Principle Backflow Prevention Device shall be installed where the Public Water System may be contaminated with a substance that could cause a System Hazard or Health Hazard.

(C). An approved Air Gap Separation, reduced pressure principle-detector check assembly, or Double Check Valve Assembly, or a double check-detector check valve assembly shall be installed where the Avon Lake Water System may be polluted with substances that could cause a Pollution Hazard not dangerous to health.

**2204.02.** The type of protection required under **Section 2203.01(E)** of these Regulations shall be an approved Air Gap Separation or an approved Interchangeable Connection. A removeable spool piece connection is not an acceptable method.

**2204.03.** Where an auxiliary water supply is used as a secondary source of water for a fire protection system, the provisions of **Section 2204.02** may not be required providing all of the following exists:

(A). At premises where the auxiliary water supply may be contaminated with substances that could cause a System Hazard or Health Hazard, the Avon Lake Water System shall be protected against Backflow by the installation of an approved Reduced Pressure Principle Backflow Prevention Device.

(B). At all other premises, the Avon Lake Water System shall be protected against Backflow by installation of either an approved Reduced Pressure Principle Device or Double Check Valve Assembly.

(C). The Avon Lake Water System shall be the primary source of water for the fire protection system.

(D). The fire protection system shall be normally filled with water from the Avon Lake Water System.

(E). The water in the fire protection system shall be used for fire protection only with no regular use of water from the system downstream from the approved Backflow Prevention Device.

(F). The water in the fire protection system shall contain no additives.

**2204.04.** An exception to the requirement in **Section 2204.01(B)** of these Regulations may be applied when mitigating the health hazard associated with a water-only, residential-type irrigation system that is not subjected to backpressure and is not equipped with pumps or other prime movers which can create backpressure to the public or the consumer's water system. In this instance, an approved pressure vacuum breaker can be used to isolate the service line to the irrigation system in lieu of installing a containment assembly at the service connection. The same maintenance and testing requirements as outlined in rule for containment assemblies apply. This exception does not apply if an additive is used within the irrigation system. Avon Lake Regional Water may determine other hazards exist that warrant additional containment protection at the service connection.

See OAC 3745-95-05.

## **2205. Backflow Prevention Devices.**

**2205.01.** Any Backflow Prevention Device required by these Regulations shall be of a model or construction approved by Avon Lake Regional Water and the Ohio EPA and shall comply with the minimum standards set forth in **Schedule A** attached to these Regulations.

See OAC 3745-95-06(A).

**2205.02.** Installation of Backflow Prevention Devices. Backflow Prevention Devices required by these Regulations shall be installed at a location and in a manner approved by Avon Lake Regional Water, as set forth below, and the Ohio EPA, as required by Chapter 6109.13 of the ORC.

See OAC 3745-95-06(B).

(A). Backflow Prevention Devices shall be installed by and at the expense of the water Consumer.

(B). Backflow Prevention Devices installed on the service line to a Consumer's Water System shall be located on the Consumer's side of the water meter, as close to the meter as is reasonably practical, and prior to any other connection.

(C). Pits or vaults shall be of water-tight construction, be so located and constructed as to prevent flooding, and shall be maintained free from standing water by means of only a non-water powered sump pump or a suitable drain. Such sump pump or drain shall not connect to a Sanitary Sewer nor permit flooding of the pit or vault by reverse flow from its point of discharge. An access ladder and adequate natural or artificial lighting shall be provided to permit maintenance, inspection, and testing of the Backflow Prevention Device.

**2205.03. Maintenance of Backflow Prevention Devices.** It shall be the duty of the water Consumer to maintain any Backflow Prevention Device required by these Regulations and rules 3745-95-04 and 3745-95-05 of the OAC in proper working order and in continuous operation.

(A). Avon Lake Regional Water shall monitor only Backflow Prevention Devices required by these Regulations. Avon Lake Regional Water shall not monitor nor assume any responsibility or liability for the operation of Backflow Prevention Devices not specifically required by these Regulations.

(B). Inspections and tests of Backflow Prevention Devices shall be made at the expense of the water Consumer and shall be performed by Avon Lake Regional Water or a Person as approved by Avon Lake Regional Water as qualified to inspect, test, and overhaul the said device.

(C). Whenever they are found to be defective, repair, overhaul or replacement of Backflow Prevention Devices shall be made at the expense of the consumer.

(D). The water Consumer shall maintain a complete record of each Backflow Prevention Device from purchase to retirement. This shall include a comprehensive listing that includes a record of all test, inspections, and repairs. Records of the same shall be made available to Avon Lake Regional Water upon request.

See OAC 3745-95-06(C).

**2205.04. Inspection of Backflow Prevention Devices.** The consumer shall, on any premises on which any Backflow Prevention Device required by rules 3745-95-04 and 3745-95-05 of the OAC are installed, have thorough inspections and operational tests made of the backflow preventers at the time of installation or repair, and as set forth below, but in all cases at least once every twelve (12) months:

(A). Air Gap Separation shall be inspected at the time of installation and at least every twelve (12) months thereafter.

(B). Double check valve Assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve (12) months thereafter. They shall be dismantled, inspected internally, cleaned, and repaired whenever needed and at least every thirty (30) months.

(C). Reduced Pressure Principle Backflow Prevention Devices shall be inspected and tested for tightness at the time of installation and at least every twelve (12) months thereafter. They shall be dismantled, inspected internally, cleaned, and repaired whenever needed and at least every five (5) years.

(D). Interchangeable Connections shall be inspected at time of installation and at least every twelve (12) months thereafter.

See OAC 3745-95-06(D).

**2205.05. Annual Backflow Prevention Device Inspection and Testing Results.**

(A). All Backflow Prevention Devices must be tested upon installation and every twelve (12) months thereafter by a Certified Backflow Prevention Person.

(B). Avon Lake Regional Water shall mail a first notice to Consumers with such systems on or before April 30, annually, regarding the required inspection and deadline to provide a test report on an approved form to Avon Lake Regional Water from a Certified Backflow Prevention Person by 4:30 p.m. on June 25<sup>th</sup>.

(C). Failure to provide a test report by 4:30 p.m. on June 25<sup>th</sup> shall result in a fine as set forth in **Schedule I** attached to these Regulations and as authorized by **Title 5**.

(D). After the June 25<sup>th</sup> deadline, Avon Lake Regional Water will mail a second notice to the Consumer.

(E). Failure to provide a test report by July 9<sup>th</sup> shall result in disconnection of water service in accordance with **Section 5113** of these Regulations.

(F). Failure to receive notice of Annual Backflow Prevention Device Testing shall not excuse an Owner or Consumer of its obligation to comply with the testing and certification requirements set forth in this **Section**.

**2205.06. Existing Backflow Prevention Devices.** Containment principle backflow preventers approved by ALRW and conforming to prior or subsequent editions of the standards of **Section 2205.01** of these Regulations and rule 3745-95-06(A) of the OAC, and which are properly maintained in accordance with **Section 2205.03** of these Regulations shall be excluded from the requirements of **Sections 2205.01** and **2205.02** of these Regulations if the ALRW and the Ohio EPA are assured that the Backflow Prevention Device will satisfactorily protect the Avon Lake Water System.

See OAC 3745-95-06(E).

**2205.07.** Backflow Prevention Devices shall not be bypassed, made inoperative, removed, or otherwise made ineffective without specific authorization by Avon Lake Regional Water.

**2206. Backflow Testing Falsification.**

**2206.01.** Falsification of records includes but is not limited to:

- (A). Claiming to have tested devices that were not tested.
- (B). Signing off on tests that an uncertified Person conducted.
- (C). Fixing devices without testing them.

**2206.02. Penalties.** If an Ohio Department of Commerce or Operator Training Committee of Ohio (OTCO) Backflow certificate holder is found to have falsified test report documents, penalties will be enforced as outlined below:

- (A). 1<sup>st</sup> Offense: Backflow certification will be suspended for twelve (12) months. The Building Department and the Agency that issued the certificate will be notified either by U.S. Mail or the Internet.
- (B). 2<sup>nd</sup> Offense: Certificate holder will be terminated from Avon Lake Regional Water Backflow Program for life. The Building Department and the Agency that issued the certificate will be notified either by U.S. Mail or the Internet. (Eff. 10-6-08)

**2207. Booster Pumps.**

**2207.01.** Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low pressure cut-off device designed to shut off the booster pump when the pressure in the service line on the suction side of the pump drops to ten pounds per square inch gauge or less.

**2207.02.** It shall be the duty of the water Consumer to maintain the low pressure cut-off device in proper working order and to certify to Avon Lake Regional Water, at least once a year, that the device is operable.

**2208. Water-Powered Sump Pumps.**

**2208.01.** Water-powered sump pumps pose a Contamination risk to Consumers who install them and to Avon Lake Regional Water's Public Water System. Water-powered sump pumps are not permitted to be connected to any water service supplied by Avon Lake Regional Water.

**2208.02.** Whenever Avon Lake Regional Water becomes aware of a water-powered sump pump connected to an Avon Lake Regional Water Service, the property owner or his agent shall be notified to remove said connection within thirty (30) days.

**2208.03.** Failure or refusal to remove said connection within thirty (30) days after notice, or to provide a schedule for said removal approved by Avon Lake Regional Water, shall subject said property owner to an immediate fine of \$200.00 for each day thereafter until said connection is removed. Continued failure to remove said connection may result in additional enforcement or prosecution pursuant to **Title 5** of these Regulations. (Eff. 2-5-13)

## **2209. In-ground Sprinkler System.**

**2209.01. Backflow Prevention Device.** All in-ground sprinkler systems require an approved Backflow Prevention Devices as set forth in **Schedule A** attached to these Regulations.

**2209.02. Testing.** Immediately upon connection of an in-ground sprinkler system to the Avon Lake Water System, the required Backflow Prevention Device must be in place and tested and approved for operation by a Certified Backflow Prevention Person.

**2209.03. Certification.** Owner shall provide test results and certification of the required Backflow Prevention Device to ALRW within ten (10) days of the date of activation of the system. Failure to provide such test results and certification of same within ten (10) days of the activation of the system may result in fine, termination of water service, and other remedies under **Title 5** of these Regulations.

**2209.04. Use of Pump.** No pump shall be connected to an in-ground sprinkler system either to increase pressure or to purge the sprinkler system. If a pump or air compressor is used to purge the system, the connection shall be downstream of the Backflow Prevention Device and the water shall be shut off to the sprinkler system.

**2209.05. Annual Inspection and Testing Results.** The Consumer shall follow the annual inspection and testing results requirements as set forth in **Section 2205.05**.

## **2210. Penalties for Backflowing into the Avon Lake Water System.**

**2210.01. Notification.** Should a Consumer suspect and/or discover a backflow irregularity, the Consumer should notify ALRW immediately.

**2210.02. Penalties.** Should a Consumer backflow into the Avon Lake Water System, and verified by Avon Lake Regional Water, the Consumer shall be subject to penalties in accordance with **Title 5** of these Regulations.

## **Chapter 2300 – Service Connections.**

### **2301. Application for Tap and Service Connection.**

**2301.01. Application for Tap and Service Connections.** Any property Owner requesting the installation of a tap and Service Connection shall make written application therefor on forms provided by Avon Lake Regional Water. Such application must be signed by the property Owner or his legal agent, giving the location and lot number of the property to be served, and shall show evidence of having procured a valid building permit, except as may be waived Avon Lake Regional Water.

**2301.02. Payment.** Owner shall pay the cost of taps and Service Connections as set forth in **Schedule B** at the time of application. All costs associated with the tap and Service Connection charges must be paid in full before actual installation of the tap and services.

**2302.03. All Services to be Metered.** All water services that have a direct connection with the Avon Lake Water System shall be metered, unless specifically exempted by Avon Lake Regional Water.

**2301.04. Minimum Frontage for Service.** Requests for service shall only be granted to such properties that have a buildable frontage per the City's lot-size requirements that borders on a water main owned by the City. No tap and Service Connection shall be installed to any property not meeting this requirement except as may be permitted by Avon Lake Regional Water.

**2302. Taps.**

**2302.01. Taps on Existing Mains.** Avon Lake Regional Water shall make the tap on all existing water mains owned by the City.

**2302.02. Taps on New Main Installations.** The Contractor shall make the tap on all new main installations.

**2302.03. Tap Charges.** Tap charges as set forth in **Schedule B** shall be paid in full before installation of the tap.

**2303. Service Connections.**

**2303.01. Maintenance and Repairs to Service Connections.**

**(A).** Small Service Connections. On Service Connections sized one-inch (1") and smaller, Avon Lake Regional Water shall be responsible for repairs to the tap and Service Connection from the main to the curb stop on inside meters, and to the meter on outside (pit) installations, unless the repairs are necessary because of work done by or for the Owner, in which case the Owner shall pay the full cost thereof, as set forth in **Section 2303.02.**

**(B).** Larger Service Connections. On Service Connections sized larger than one-inch (1"), Avon Lake Regional Water shall repair the tap and Service Connection to the shut-off valve ahead of the meter. The Owner shall be responsible for all plumbing from the first shut-off valve.

**2303.02. Damage to Taps and Service Connections.** Should a tap or Service Connection be damaged by an individual, contractor, or other utility, the full cost of repairs plus 100% of labor shall be charged to those responsible for the damage in accordance with **Schedule B** attached hereto.

**2303.03. Replacement of Service Connections.**

**(A).** When it has been determined by Avon Lake Regional Water that it would be more beneficial to replace rather than repair a Service Connection sized one-inch (1") and smaller, the service from tap to the curb stop will be replaced at no cost to the Owner. At the time of the replacement Avon Lake Regional Water may replace the inside meter with an outside (pit) installation.



(B). If an Owner requests that a Service Connection be replaced and Avon Lake Regional Water has determined that replacement is not warranted, the Owner will be charged for the replacement on a time and material basis.

## **2304. Meters.**

### **2304.01. Installation of Meters.**

(A). All meters on the Avon Lake Water System shall be supplied by Avon Lake Regional Water.

(B). Avon Lake Regional Water shall install meters on Service Connections sized one-inch (1") and smaller.

(C). In service connections of two-inch (2") and larger, and the property Owner shall be responsible for the installation of a meter to be supplied by Avon Lake Regional Water.

**2304.02. Meter Vault Location.** All new water services shall have the meter vault located immediately inside the property line.

**2304.03. Master Meters.** Avon Lake Regional Water shall determine if a commercial and/or residential property shall have a master meter versus individual meters.

**2304.04. Radio Read Meters.** All new water services shall be installed with radio read, cellular read, and/or other approved meters.

### **2304.05. Remote Vault Meter Conduit.**

(A). Installation. To complete the connection between the meter in the vault and the remote read device on the building, the property Owner is responsible for installing a ½ inch, clean, undamaged, plastic, continuous-conduit from the meter pit to the driveway side of the building, and must leave approximately four (4) feet of tubing at that point for installation of the remote read device on the building by Avon Lake Regional Water. Failure to install said conduit will result in a written notification of same to the property Owner requesting that said conduit be installed within thirty (30) days or arrangements made for such installation satisfactory to Avon Lake Regional Water.

(B). Any damage to the remote vault meter conduit shall be repaired by the property Owner within thirty (30) days after notification by Avon Lake Regional Water of such damage and necessary repair.

### **2304.06. Ownership of Meters.**

(A). Avon Lake Regional Water shall supply and retain ownership of all meters used on the Avon Lake Water System and may replace any existing meter that Avon Lake Regional Water deems necessary.

(B). Broken or damaged meters and/or meter vaults will be repaired or replaced by Avon Lake Regional Water, but the cost of such repairs or replacements shall

be charged to the Owner of the property where the meter is located except as determined by Avon Lake Regional Water to be ordinary wear.

**2304.07. Removal of Meters.** Meters shall be removed only by authorized employees of Avon Lake Regional Water.

**2304.08. Meter Testing.** Meters may be tested at the instigation of Avon Lake Regional Water or the Consumer.

(A). If requested by the Consumer, such request shall be in writing and shall be accompanied by a deposit in the amounts as stated on **Schedule C** attached hereto as determined by the Board from time to time.

(B). Should any Avon Lake Regional Water Consumer request his meter be tested for accuracy, such test will be done by Avon Lake Regional Water or its agents. If the meter so tested for accuracy does not meet AWWA water meter accuracy standards, then there will be no charge to the Consumer requesting such test. If, however, the meter tests accurate by the same AWWA standards, then all costs associated with such testing procedure plus a 10% Administrative Fee shall be billed to the Consumer. If said bill is not paid in thirty (30) days from the date of billing, it shall become part of the next water bill and as such shall be subject to all existing collection policies of Avon Lake Regional Water.

(C). The Consumer or Consumer's agent shall be present to witness meter testing. Failure of the Consumer to witness the test at a mutually agreed upon time shall not relieve the Consumer of any expense incurred by Avon Lake Regional Water in preparation for the meter test.

**2304.09. Deduct Meters.**

(A). Avon Lake Regional Water shall allow Consumers to have a deduct meter on the property.

(B). Consumers that install a deduct meter shall follow the guidelines in accordance with **Schedule D** attached hereto.

**2305. Service Lines.**

**2305.01.** Once installed, it shall be the Owner's responsibility for maintenance of all plumbing from the curb stop through the building. All costs of repair or replacement shall be at the Owner's expense.

**2305.02. Repairs to Service Lines.** A property Owner, upon receiving notification from Avon Lake Regional Water, shall promptly repair any leak discovered within his service line.

**2305.03. Service Line Changes.** All additions and alterations in or about a property's service line shall be reported to and approved by Avon Lake Regional Water.

**2305.04. New Water Service Line Testing.** For all new water line installations in the City, Avon Lake Regional Water will perform the following tasks at the costs set forth on

the New Water Service Main and Line Testing Charge Schedule attached hereto as **Schedule E:**

(A). One trip to initially fill the new line.

(B). Two trips on consecutive days for the purpose of flushing and sampling the new line for the required bacteria testing.

(C). One trip to flush and sample for the bacteria check sample after successful completion of the hydrostatic test.

(D). The setup and analysis of the above bacteria samples on three separate days by Avon Lake Regional Water laboratory.

(E). Upon acceptance of the line, one trip to open the valves to put the new line in service.

(F). Any additional manpower, testing, review, or consultation beyond that specified above will be billed on a time and material basis plus 100% of the labor costs. All such additional costs shall be billed to the project's Owner on all private projects and to the prime contractor on all public projects and are due upon receipt.

#### **2306. Prohibitions.**

**2306.01. Multiple Services.** Not more than one single service from a single meter shall be allowed except in the case of apartments and duplexes, provided that none of the units is individually owned, or condominiums where there is a residents' agreement on the payment of the charges. Should there be a question of separate ownership of any of these units and there is no proof of a legal residents' agreement for the payment of charges, then each unit shall be required to have a separate Service Connection and meter.

**2306.02.** Under no condition shall multiple single-family homes be permitted to be serviced from a single meter.

**2306.03. Connection to Service Line Prohibited.** No Person shall tap or make any connection to a service line between the meter and the water main, except as approved by Avon Lake Regional Water.

#### **Chapter 2400 - Water Main Extensions.**

**2401. Submittal of Plans.** All plans for new water main extensions shall be submitted to Avon Lake Regional Water for review. Plans shall be of a suitable scale and showing the location of the proposed mains together with sizes and depths, location of fittings and hydrants, and the points of connection with existing mains, along with all standard design details. After correction of needed changes, the plans may be approved by the ALRW.

**2402. Minimum Standards.** All new water mains in Avon Lake shall comply with the standards set forth in **Schedule F-I.**

**2402.01. Minimum Size of Main.** All new water mains in Avon Lake shall be at least eight inches (8") in size, unless exempted by Avon Lake Regional Water. In cases where mains must be larger than eight inches (8"), Avon Lake Regional Water shall determine the size of the main.

**2402.02. Material and Installation.** All material used in water main extensions, along with all methods of installation, shall meet the latest revision of the AWWA Standard as a minimum requirement and be acceptable to Avon Lake Regional Water. Minimum requirements are set forth in **Schedule F-I**.

**2402.03. Fire Hydrants.** All fire hydrants, along with locations and methods of installation, must be approved by ALRW as set forth in **Schedule F-I**.

**2402.04. Location.** Location requirements for all water main installations are set forth in **Schedule F-I**.

**2402.05. Installation.** Minimum installation requirements are set forth in **Schedule F-I**.

**2402.06. Service Connections.** On new subdivision installations, the contractor shall be responsible for making the taps to all properties having frontage on the water main to the requirements set forth in **Schedule F-I**. On existing water mains or new mains installed by Avon Lake Regional Water, new Service Connections shall be made by Avon Lake Regional Water.

**2402.07. Meters.** Once the contractor has installed the tap and service connection, the meter and meter vault may be set. Minimum requirements are set forth in **Schedule F-I**.

**2403. Water Line Inspection Fee.**

**2403.01. Water Mains.** Water mains which are installed on private property and become the City's property, shall be subject to an inspection fee based on **Schedule E**.

**2404. Testing.**

**2404.01. Water Mains.** All hydrostatic testing, pressure, and leakage shall conform to ANSI/AWWA C600-05 or latest edition and shall maintain a pressure of 150 PSI for at least a four (4) hour duration with any measurable pressure loss within AWWA specifications. Installations failing to meet the testing shall be repaired by the contractor and the testing repeated to the satisfaction of Avon Lake Regional Water. All hydrostatic testing shall be witnessed by a duly authorized representative of Avon Lake Regional Water as a condition of approval.

**2404.02. Water Service Lines.** See **Section 2305.04**.

**2404.03. Testing Fees.** Contractor shall pay appropriate testing fees set forth in **Schedule E** to Avon Lake Regional Water at the time the testing is scheduled with Avon Lake Regional Water.

**2405. Disinfecting Water Lines.**

**2405.01.** Before any new water line installation is approved and put into operation, the contractor shall disinfect the line to Ohio EPA and Avon Lake Regional Water standards. The approved method of disinfection shall be as specified in ANSI/AWWA-C651-05 or latest edition.

**2405.02.** When the contractor feels that the water main has been disinfected and is ready for bacteria testing, the contractor shall contact Avon Lake Regional Water for sampling. A representative of Avon Lake Regional Water shall determine when the main has been sufficiently flushed and take the needed samples.

**2405.03.** Approval shall be based on two acceptable bacteria tests, taken on consecutive days and a post hydrostatic test check sample as performed by the Avon Lake Regional Water's laboratory or other approved laboratory.

**2406. Guarantee on New Water Mains.**

**2406.01. Maintenance Bond Required.** For all new water mains installed by Avon Lake Regional Water, prior to acceptance, the contractor shall supply to Avon Lake Regional Water a Maintenance Bond in the amount of 100% of the construction cost of the said new water main. The Maintenance Bond shall be used as a guarantee of the water main installation for a period of one (1) year, after which time Avon Lake Regional Water shall inspect the said installation and shall notify the contractor of the results. All needed repairs and replacements, as noted by Avon Lake Regional Water, shall be completed by the contractor at his expense, to the satisfaction of ALRW, before the water main receives final acceptance and the contractor's maintenance bond is released.

**2406.02. Value of Maintenance Bond.** The maintenance bond shall be based on the total cost of construction as determined by valid construction cost estimates supplied by the contractor and/or an amount determined by Avon Lake Regional Water based on current replacement costs and shall be for 100% of the said costs.

**2407. Water for Construction.** Once the water main or a portion thereof is complete and approved, the contractor requesting water for construction shall be required to have a tap and meter installed. The use of a fire hydrant for supply of construction water is strictly prohibited.

**Chapter 2500 – Water Use.**

**2501. Application for Water Service.**

**2501.01. Application.** Property Owner, or its duly authorized agent, shall make written application for service on forms provided by Avon Lake Regional Water. Applications for service must be signed by the Owner of the property, or his legal agent, specify the location and lot number of the property to be services, and show evidence of a valid building permit.

**2502. Temporary Service.** Whenever a building or premises receiving temporary service has been completed, to the extent that a meter could be reasonably protected, Avon Lake Regional Water shall be notified that the meter can be installed.

**2503. Vacancy.** Unless arranged beforehand, water to a vacant property may be turned off and the meter removed if, in the opinion of Avon Lake Regional Water, damage may be caused to the building or contents.

**2504. Fire Hydrants.**

**2504.01. Operation of Public Fire Hydrants.**

**(A).** Fire hydrants shall be operated exclusively by the Avon Lake Fire Department and/or Avon Lake Regional Water personnel, unless permission has been received by Avon Lake Regional Water.

**(B).** All hydrants shall be operated with a properly designed hydrant wrench, and the hydrant valve shall not be throttled for regulation of discharge.

**(C).** Should the discharge need regulation, a valve shall be placed at the connection to the hydrant, and the hydrant valve shall be completely opened when used.

**2504.02. Use of Public Fire Hydrants.** A Person shall request and obtain approval from Avon Lake Regional Water prior to using a public fire hydrant for any use besides firefighting. No non-firefighting water shall be taken from a public fire hydrant without a hydrant meter obtained from Avon Lake Regional Water. All water used for non-firefighting purposes (i.e. construction sites) shall be charged to the user at the current water rate plus Avon Lake Regional Water's costs, including, but not limited to special equipment fees and labor.

**2504.03. Access to Fire Hydrants.** No Person shall obstruct, or in any way prevent or interfere with, continuous free access to any fire hydrant, except by written permission of Avon Lake Regional Water and Avon Lake Fire Department.

**2504.04. Use of Privately Owned Fire Hydrants.**

**(A).** Private hydrants (which are those fire hydrants installed on private property and not in or on Avon Lake City property, right-of-way, or easement), must be on a service line to the private property which has a fire detector check valve with meter or a full flow meter which measures the entire flow through the service line.

**(B).** In the case of the fire detector check valve with meter, no use of the service line (i.e., use of water) from the fire detector check valve to hydrant or terminus is permitted except for firefighting or use by the Avon Lake Fire Department.

**(C).** If the flow on the detector meter is due to a leak, the private hydrant Owner will be notified by Avon Lake Regional Water in writing, and the Owner will be expected to find and repair said leak immediately upon notice. Failure to correct the leakage will result in shutoff of the fire line and notification of same to the Avon Lake Fire Department.

**(D).** If the detector meter does not indicate a leak but shows usage, the private hydrant Owner will be notified of the illegal use of the fire line. All illegal use of

private hydrants, are subject to the remedies identified in **Title 5** of these Regulations.

(E). If a full flow meter is employed on the service line, then water use from this line will be measured and billed on a monthly or quarterly basis. For billing purposes, the minimum bill shall be based on the size of the compound meter and not on the size of the service line.

**2505. In-Ground Sprinkler System.** See **Section 2209** of these Regulations.

**2506. Yard Hydrants.**

**2506.01.** Yard hydrants with weep holes.

(A). Yard hydrants with weep holes used for human consumption installed on a public water system are prohibited unless the weep holes are permanently sealed.

(B). Yard hydrants with weep holes not used for human consumption installed on a public water system, and those installed on a Consumer's water system, shall have an appropriate backflow prevention assembly on the service line to protect the public water system. Yard hydrants with weep holes installed on public water systems shall be clearly labeled as "non-potable" or "not for human consumption."

**2506.02.** Sanitary yard hydrants that do not have weep holes, such as those that meet the requirements of the "American Society of Sanitary Engineers (ASSE) standard 1057, Performance Requirements for Freeze Resistant Yard Hydrants with Backflow Prevention" (2001), are not prohibited provided:

(A). The device is acceptable to the public water system to which it will be connected; and

(B). Any other applicable backflow prevention and cross-connection control requirements of this chapter are met.

See OAC 3745-95-09.

**2506.03.** For existing yard hydrants in Avon Lake, the Consumer shall install an approved backflow prevention device on the yard hydrant and adhere to the annual inspection and testing requirement for backflow prevention devices. See **Section 2209.05** of these Regulations.

**2506.04.** All pumps or other devices for the purpose of increasing the volume of flow and/or pressure of water supplied by ALRW in a private water system shall be reported to and approved by ALRW. Any installation found to be causing excessive fluctuations in flow and/or pressure shall be modified to an acceptable degree.

[END OF TITLE 2]

## **TITLE 3 – SEWERS**

### **Chapter 3100 – Avon Lake Wastewater Collection and Treatment System.**

**Section 3101. Avon Lake Wastewater System.**

**Section 3102. Protecting the Wastewater Collection and Treatment System.**

### **Chapter 3200 – Connections.**

**Section 3201. Wastewater Connection Permit.**

**Section 3202. Building Sewers.**

**Section 3203. Prohibited Connections.**

### **Chapter 3300 – Sanitary Sewer Construction.**

**Section 3301. Location Information.**

**Section 3302. Submittal of Plans.**

**Section 3303. Minimum Standards.**

**Section 3304. Testing New Sanitary Sewers.**

**Section 3305. Guarantee on New Sewer Installations.**

### **Chapter 3400 – Discharge Permits.**

**Section 3401. Prohibited Discharges.**

**Section 3402. Permit Administration.**

**Section 3403. Standard Conditions for Discharge Permits.**

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### **Chapter 3100 – Avon Lake Wastewater System.**

#### **3101. Avon Lake Wastewater System.**

See (A)(7) under Definitions.

#### **3102. Protecting the Wastewater Collection and Treatment System.**

No Person shall uncover, make any connection with, or open into, use, alter, or disturb any Sanitary Sewer or any part of the Avon Lake Wastewater System, including any appurtenance



thereto, except upon the authorization of Avon Lake Regional Water in accordance with these Regulations. Refer to **Title 5** of these Regulations for penalties.

## **Chapter 3200 - Building Sewers and Connections.**

### **3201. Wastewater Connection Permit.**

**3201.01. Wastewater Connection Permit Required.** No Person, shall uncover, make any connection with, or open into, use, alter, or disturb any Sanitary Sewer or appurtenance thereto, without a Wastewater Connection Permit issued by Avon Lake Regional Water.

**3201.02. Application for a Wastewater Connection Permit.**

**(A).** Any Person desiring a connection to the Avon Lake Wastewater System shall make written application therefor on forms provided by Avon Lake Regional Water. Such application must be signed by the property Owner or his legal agent, giving location and lot number of the property to be served. The applicant shall submit evidence of having procured a valid building and/or street opening permit. No Wastewater Connection Permit will be issued if a valid building and/or street opening permit has not been issued for the property. The application shall be accompanied by any plans, specifications, or other information required by these Regulations.

**(B).** The Wastewater Impact Fee as set forth in **Chapter 4400** is due prior to installation of any connection.

**3201.03.** A Wastewater Connection Permit signed on behalf of Avon Lake Regional Water shall be the Person's permission to use the Avon Lake Wastewater System and shall be valid until revoked.

### **3202. Building Sewers.**

**3202.01. Owner's Responsibility.** All costs and expenses incident to the installation, connection, and maintenance of the Building Sewer shall be borne by the Owner. The Owner shall defend, indemnify, and hold Avon Lake Regional Water, the Board, and its representatives and employees harmless from any loss or damage that may directly or indirectly result from the installation or operation of a Building Sewer.

**3202.02. Separate Building Sewers.** A separate and independent Building Sewer shall be provided for every building. Only upon a written consent of Avon Lake Regional Water may two (2) or more buildings use the same sewer.

**3202.03. Existing Building Sewers.** Existing Building Sewers may be used in connection with new buildings only when on examination and testing by Avon Lake Regional Water they are found to meet all the requirements of these Regulations.

**3202.04. Minimum Standards.** All new Building Sewers shall comply with the standards set forth in **Schedule F-II**.

**3202.05. Tampering with Building Sewer.** Any Person responsible for any opening, break, or damage to a Building Sewer shall be subject to fines and penalties set forth in **Title 5**.

**3202.06. Connection to Main Sewer.** The connection of the Building Sewer into the Sanitary Sewer Main shall be in accordance with the minimum standards set forth in **Schedule F-II**.

(A). The Building Sewer shall connect only to a Sanitary Sewer. Sanitary connections to a Storm Sewer or, the connection of storm drains to a Sanitary Sewer is prohibited as set forth in **Section 3203** of these Regulations.

(B). No Building Sewer connection shall be made to a Sanitary Sewer Main until the property's Storm Sewer for the footers, roof and surface water is completely operational.

**3202.07. Inspection.** The applicant for the Wastewater Connection Permit shall notify Avon Lake Regional Water when the Building Sewer is ready for inspection and connection to the Sanitary Sewer System. The connection shall be made under the supervision of Avon Lake Regional Water, within twenty-four (24) hours after notice is given that the installation is ready. The applicant must give his Wastewater Connection Permit number when requesting an inspection. All inspections must be scheduled by noon of the day the inspection is requested.

**3202.08. Restoration of Public Property.** Streets, sidewalks, parkways, and other public property disturbed in the course of the installation of a Building Sewer shall be restored in a manner satisfactory to Avon Lake Regional Water.

### **3203. Prohibited Connections.**

**3203.01. Downspout/Clean Water Connection Removal from Sanitary Sewers.**

(A). Whenever Avon Lake Regional Water becomes aware of a clean water connection, such as a downspout or other surface water connection, to the Avon Lake Wastewater System, the property Owner or his agent shall be notified to remove and seal the connection within thirty (30) days. If after thirty (30) days, property Owner fails or refuses to remove and seal the prohibited connection property Owner shall be subject to an immediate fine in accordance with **Title 5**. Continued failure to remove and/or seal said connection may result in additional enforcement or prosecution pursuant to **Title 5** of these Regulations.

(B). Avon Lake Regional Water may perform regular and periodic inspections to assure there are no clean water connections existing on private property. Avon Lake Regional Water shall send a written request for access to the property by mail to the property Owner. The property Owner or his agent shall allow reasonable and safe entrance to property and premises for the purpose of inspecting for clean water connections such as basement sumps, downspouts, and/or yard drains. Failure to allow access for inspection by an authorized Avon Lake Regional Water representative within thirty (30) days following Avon Lake Regional Water's request shall subject the property Owner to a fine or other enforcement pursuant to **Title 5** of these Regulations until such access is granted.

### **3203.02. Foundation Drains.**

(A). Foundation drain systems, also referred to as footer tiles, that provide drainage to a structure and are connected to the Avon Lake Wastewater System are considered a nuisance because they negatively affect public health and the environment. Excessive clean water entering the Sanitary Sewer can lead to sewer surcharge, basement backups, and discharges to Lake Erie. For the purposes of this Section “Foundation Drain” shall be defined as a gravity or direct connection.

(B). Foundation drains must be disconnected from the Sanitary Sewer when any work is performed to maintain, modify, repair or improve in any way any portion of the foundation drain system.

(C). At such time, all connections between that foundation drain system and the Avon Lake Wastewater System by which ground and/or Storm Water may be conveyed from the foundation drain system to the Avon Lake Wastewater System shall be removed and permanently sealed by the property Owner to prevent all such ground and/or Storm Water from the property from entering the Avon Lake Wastewater System. The property Owner shall then take such action as may be required to convey all ground and/or Storm Water from the property to an Avon Lake Storm Sewer via a sump pump or gravity sewer line.

(D). Any foundation drains that discharge to the Sanitary Sewer by use of a pump or other means shall be subject to the requirements **Section 3203.01** of these Regulations.

(E). Foundation Drain Separation Permit. All work required to make these changes shall be verified by Avon Lake Regional Water upon notification and purchase of a foundation drain separation permit by the property Owner or his agent.

(F). Any Person or entity that performs or causes the work described in this section to be performed without securing a foundation drain separation permit from Avon Lake Regional Water may be subject up to a fine or other enforcement as set forth in **Title 5**. Should the work described in this section be discovered to have been performed without properly and permanently sealing all connections between the foundation drain system and the Avon Lake Wastewater System, the property Owner shall be notified in writing that a daily fine or other penalty pursuant to **Title 5** may be imposed against the property Owner if disconnection is not completed to the satisfaction of Avon Lake Regional Water within a predetermined period no longer than thirty (30) days. (Eff. 5-19-08, Rev. 9-20-10, Rev. 5-2-11, Rev. 4-16-12, Rev. 3-16-21)

### **Chapter 3300 - Sanitary Sewer Construction.**

**3301. Location Information.** Upon request for a “locate”, the Person requesting same shall complete Form No. SL1 indicating the exact nature of his interest. Avon Lake Regional Water, after reviewing all pertinent data and as-built drawings will, on the request Form No. SL1 indicate the location of that requested. The location information provided shall not be guaranteed nor shall Avon Lake Regional Water assume any responsibility for accuracy of this information. All related

sewer lateral records will be available for public viewing at Avon Lake Regional Water offices from 8:00 AM to 4:30 PM Monday thru Friday excepting holidays.

**3302. Submittal of Plans.** All plans for new Sanitary Sewer construction shall be submitted to ALRW for review. After correction of needed identified areas of noncompliance, the plans may be approved by Avon Lake Regional Water.

**3303. Minimum Standards.** All sanitary sewer shall comply with the standards set forth in **Schedule F-II**.

**3303.01. Flow to Existing Sewer System.** To prevent the inflow of non-sanitary waste into the existing Sanitary Sewer, any connection between the existing sewer and any new sewer installation shall be plugged until such time as the new sewer has been tested and approved by ALRW and accepted by the City. If the contractor should wish to have the sewer approved and accepted in a step arrangement, those sections not approved and accepted shall be plugged, but at no time shall any flow be allowed in the existing Sanitary Sewer system from a new sewer that has not been approved and accepted.

**3304. Testing New Sanitary Sewers.**

**3304.01.** After all pipe and fittings have been connected in place, they shall be tested as set forth in **Schedule F-II**.

**3305. Guarantee on New Sewer Installations.**

**3305.01 Maintenance Bond Required.** For all new sewer installations, not installed by Avon Lake Regional Water, prior to acceptance, the contractor shall supply to Avon Lake Regional Water a Maintenance Bond in the amount of 100% of the construction cost of the said new sewer. The Maintenance Bond shall be used as a guarantee of the sewer installation for a period on one (1) year, after which time ALRW shall inspect the said installation and shall notify the contractor of the results. All needed repairs and replacements, as noted by ALRW, shall be completed by the contractor at his expense, to the satisfaction of ALRW, before the sewer receives final acceptance and the contractor's maintenance bond is released.

**3305.02 Value of Maintenance Bond.** The maintenance bond shall be based on the total cost of construction as determined by valid construction cost estimates supplied by the Contractor and/or an amount determined by Avon Lake Regional Water based on current replacement costs and shall be for 100% of the said costs.

## **Chapter 3400 – Discharge Permits.**

**3401. Prohibited Discharges (per National Pollution Discharge Elimination System Permit).**

**(effective January 1, 2022 to December 31, 2026)**

**3401.01. General Discharge Prohibitions.**

**(A).** It shall be unlawful to discharge sewage, industrial wastes, or other wastes to any sewer within the jurisdiction of the Board without having first complied with the terms of these Regulations.

**(B).** Industrial wastes shall not be discharged into a storm sewer but may be discharged into a sanitary sewer if the waste is of such character as not to be detrimental to the sewer system or to the WPCC. Where such waste is detrimental to the sewer system or the WPCC, it shall be otherwise disposed of in a satisfactory manner or so improved in character as not to be detrimental to the sewer system or WPCC.

**(C).** Surface water, rain water from roofs, subsoil drainage, building foundation drainage, cistern overflow, clean water from condensers, waste water from water motors and elevators, and any other clean and unobjectionable waste water shall be discharged into a storm water or combined sewer and in no case into a sanitary sewer.

**(D).** Sewage, including wastes from water closets, urinals, lavatories, sinks, bathtubs, showers, laundries, cellar floor drains, garage floor drains, bars, soda fountains, cuspidors, refrigerator drips, drinking fountains, stable floor drains, and other objectionable wastes shall be discharged into a sanitary or combined sewer and in no case into a storm sewer.

**(E).** Industrial wastes entering sewers not connected to the WPCC shall be of such characteristics as not to be detrimental to the public sewage system or to the receiving stream, according to the standards determined by the Ohio Environmental Protection Agency or the CUO.

**(F).** Sanitary sewage shall be discharged into a sanitary sewer whenever a sanitary sewer is reasonably accessible. If such sanitary sewer is not reasonably accessible, then sanitary sewage shall be discharged into a combined sewer.

**(G).** Where the public sewage system is reasonably accessible to the property, no privy shall be constructed, maintained, or used, and any person owning property in Avon Lake on which there is a privy where the public sewage system is reasonably accessible, shall have sixty (60) days after notification by the Board to do away with such privy or be subject to the penalties provided in these Regulations.

**(H).** Connection with a cesspool or a privy vault shall not be made into a sanitary, combined, or storm sewer.

**(I).** No person shall discharge into a building sewer or tap a public sewer for the purpose of discharging into it any waste or drainage water prohibited by the provisions of this Section. Any existing connection in violation of the provisions of this Section shall be abandoned and removed.

**(J).** No person shall access the sewer system or POTW for any activity including discharge of hauled septic or industrial wastes except at locations and at times as designated by the CUO. Any removal of manhole lids, or other access to the sewer system for the purpose of discharging wastes at times and/or locations other than those designated by the CUO, or without the expressed permission of the CUO, shall be considered a violation and shall be subject to enforcement action including fines and penalties allowed under these Regulations.

**3401.02. Specific Discharge Prohibitions.** Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- (A). Having a temperature higher than 104 degrees F (40 degrees C);
- (B). Containing more than 10 ppm by weight of fats, oils, or grease;
- (C). Containing any garbage that has not been ground by household type or other suitable garbage grinders;
- (D). Containing any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch, manure, or any other solids or viscous substances capable of causing obstructions or other interferences with proper operation of the sewer system;
- (E). Having a pH lower than 5.0 or higher than 11.0, or having any other corrosive property capable of causing damage or hazards to structures, equipment, or personnel of the sewer system;
- (F). Containing toxic or poisonous substances in sufficient quantity to injure or interfere with any wastewater treatment process, to constitute hazards to humans or animals, or to create any hazard in waters which receive treated effluent from the sewer system treatment plant. Toxic wastes shall include, but are not limited to wastes containing cyanide, chromium, Cadmium, mercury, copper, and nickel ions;
- (G). Containing noxious or malodorous gases or substances capable of creating a public nuisance, including pollutants which result in the presence of toxic gases, vapors, or fumes within the sanitary sewers or WPCC in a quantity that may cause acute worker health or safety problems.
- (H). Containing solids of such character and quantity that special and unusual attention is required for their handling;
- (I). Containing any substance which may affect the WPCC's effluent and cause violation of the NPDES permit requirements;
- (J). Containing any substance which would cause the WPCC to be in noncompliance with sludge use, recycle or disposal criteria pursuant to guidelines or regulations developed under Section 405 of the Act (33 U.S.C. § 1345), the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or other regulations or criteria for sludge management and disposal as required by the State;
- (K). Containing color which is not removed in the treatment processes;
- (L). Containing any medical or infectious wastes;
- (M). Containing any radioactive wastes or isotopes;

(N). Pollutants which create a fire or explosion hazard in the sanitary sewers or WPCC, including but not limited to wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test method specified in 40 CFR §261.21;

(O). Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through; or

(P). Containing any pollutant released at a flow rate and/or pollutant concentration which would cause interference with the treatment plant.

**3401.03. Interceptors.** Grease, oil, and sand interceptors shall be provided when, in the opinion of the CUO, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes containing grease in excessive amounts, or any flammable wastes, sand, and other harmful ingredients, except that such interceptors shall not be required for private quarters or dwelling units. Where installed, all grease, oil, and sand interceptors shall be maintained by the owner, at his expense, in continuous and efficient operation at all times while being used.

**3401.04. Enforcement.**

(A). The CUO may issue Orders to any industrial user to insure compliance with any requirements under these Regulations including applicable National Categorical Pretreatment Standards, other discharge limits, and reporting requirements. Such Orders shall be in the form of a Permit signed by the CUO and may include but shall not be limited to a list of pollutants to be monitored, location of sampling points, type of sample, frequency of sampling, and compliance schedules to meet discharge limits.

(B). If any wastewater or water being discharged to the WPCC has any of the characteristics mentioned in **Section 3401.02** above or exceed the limits established in this Chapter 1, the CUO may:

(1). Reject the wastewater or water.

(2). Require the user to pretreat or modify the wastewater or water to acceptable condition before discharging into a public sewer.

(C). If any wastewater or water being discharged to the WPCC exceeds the limits established in **Section 3402.02(A)(2)**, the CUO may:

1). Require the user to pretreat or modify the wastewater or water to meet the appropriate limits before discharging into a public sewer.

(2). Require the user to pay the additional cost or expense incurred by the WPCC for handling and treating the additional load imposed on the treatment system.

(D). If the volume of any proposed discharge(s) or increased actual or proposed volume of an existing discharge exceeds the capacity of the receiving sewer or exceeds the volume of the flow that the WPCC can treat under the terms and

condition of its NPDES permit, then the CUO shall have the authority to limit or prohibit said discharge(s).

**3401.05. Specific Pollutant Limitations.**

**(A). Toxic Pollutant Limitations.** No person shall discharge or cause to be discharged into a public sewer wastes which contain any of the pollutants contained in the following list of toxic pollutants unless the person is issued a permit by the CUO which allows the discharge of such pollutants. In the absence of such specific permits, no person shall discharge any of the following toxic pollutants except as such pollutants may occur and only in the concentrations such pollutants may occur in the water supply to their premises. Discharge of such pollutants allowed by a permit shall not exceed the following maximum daily and 30-day average concentrations:

Parameter	ug/l	
	Max. Daily Concentration	30 Day Average
Cadmium (total)	260	150
Chromium (total)	2300	1710
Copper (total)	2070	1500
Cyanide (total)	652	650
Lead (total)	430	430
Mercury (total)	0.0	----
Nickel	2380	1100
Silver	240	100
Zinc (total)	1500	1480
Arsenic	290	----
Chromium (HEX)	252	----

The CUO may develop BMPs and such BMPs shall be considered local limits and pretreatment standards for the purpose of this rule.



**(B).** Compatible Pollutant Limitations. No wastewater shall be discharged which exceeds the maximum daily concentration established for the following compatible pollutants without permission from the CUO and payment of the appropriate surcharge:

Parameter	mg/l
	Max. Daily Concentration
BOD	365
COD	725
SS	400
Ammonia Nitrogen	30
Oil & Grease	10
Phosphorous	10
Dissolved Solids	3500

**3401.06.** National Categorical Pretreatment Standards. National Categorical Pretreatment Standards as promulgated by the U.S. Environmental Protection Agency pursuant to the Act shall be met by all dischargers of the regulated industrial categories. An application for modification of the National Categorical Pretreatment Standards may be considered for submittal to the Regional Administrator by the CUO, when the WPCC achieves consistent removal of the pollutants. "Consistent Removal" shall mean the reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment plant to a less toxic or harmless state in the effluent provided that the plant meets the NPDES permit limits established for that pollutant and the sludge meets all the applicable requirements for the preferred method of disposal.

**3401.07.** State Requirements. State requirements and limitations on discharges to the WPCC shall be met by all users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this or any other applicable Regulation.

**3401.08.** Right to Revision. The Board reserves the right to amend these Regulations to provide for more stringent limitations or requirements on discharges to the WPCC where deemed necessary to comply with the objectives set forth in these Regulations.

**3401.09.** Dilution. No user shall increase the use of potable or process water in any way nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in these Regulations.

**3401.10. Prevention of Accidental Discharges.**

**(A).** Each user shall provide protection from accidental discharge or prohibited or regulated materials or substances established by these Regulations. Any direct or indirect connection or entry point for persistent or deleterious wastes to the user's plumbing or drainage system shall be eliminated. Where such action is impractical

or unreasonable, the user shall appropriately label such entry points to warn against discharge of such wastes in violation of this Regulation. Where necessary, facilities to prevent accidental discharge of prohibited material shall be provided and maintained at the user's expense.

**(1).** Detailed plans, known as the Spill Prevention Control and Countermeasure (SPCC) Plan, showing facilities and operating procedures to provide this protection shall be submitted to the CUO for review and shall be approved by the CUO before construction of the facility.

**(2).** The SPCC Plan shall include the following:

**(a).** Description of discharge practices, including non-routine batch discharges;

**(b).** Description of stored chemicals;

**(c).** Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under **Section 3401.02**, with procedures for follow-up written notification within five (5) days;

**(d).** If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of wastewater discharge, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), or measures and equipment for emergency response.

**(3).** Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify this facility as necessary to meet the requirements of these Regulations.

**(B).** In order that employees of users be informed of City requirements, users shall make available to their employees copies of these Regulations together with such other wastewater information and notices which may be furnished by the City from time to time directed toward more effective water pollution control. A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge in violation of these Regulations.

**(C).** The CUO shall be notified immediately of a facility that has an accidental discharge which exceeds the limitations of these Regulations. A report stating the

date, time and cause of the accidental discharge, the quantity and characteristics of the discharge, and measures taken to prevent future discharges shall be filed within five (5) days of the occurrence of the accident.

(D). The CUO shall be notified at least thirty (30) days in advance if a facility anticipates a substantial change in its wastewater quantity or quality. The

substantial change may be due to production rate, scheduled maintenance or operations, scheduled bypass, etc.

**3401.11. Operating Upsets.** Any permittee that experiences an upset in operations that places the permittee in a temporary state of noncompliance with the provisions of these Regulations shall inform the CUO within twenty-four (24) hours of becoming aware of the upset at Avon Lake Regional Water offices.

(A). A written follow-up report of the upset shall be filed by the permittee with the CUO within five (5) days. The report shall specify:

(1). Description of the upset, the cause(s) thereof, and the upset's impact on the permittee's compliance status;

(2). Duration of noncompliance, including exact dates and times of noncompliance, and, if not corrected, the anticipated time the noncompliance is expected to continue; and

(3). All steps taken or to be taken to reduce, eliminate, and prevent recurrence of such an upset.

The report must also demonstrate that the treatment facility was being operated in a prudent and workmanlike manner.

A documented and verified operating upset shall be an affirmative defense to any enforcement action brought against the permittee for violations attributable to the upset event.

## **3402. Permit Administration.**

### **3402.01. Industrial Pretreatment Permit Requirements.**

(A). All non-domestic users must notify the CUO of the nature and characteristics of their wastewater prior to commencing their discharge. The CUO is authorized to prepare a form for this purpose.

(B). It shall be unlawful for significant industrial users to discharge wastewater, either directly or indirectly, into the City's sanitary sewer system without first obtaining an industrial user pretreatment permit from the CUO. Any violation of the terms and conditions of an industrial user pretreatment permit shall be deemed a violation of these Regulations. Obtaining an industrial user pretreatment permit does not relieve a permittee of its obligation to obtain other permits required by federal, state, or local law.

(C). The CUO may require that other industrial users obtain industrial user pretreatment permits as necessary to carry out the purposes of these Regulations.

(D). Existing Connections: Any significant industrial user which discharges non-domestic waste into the sanitary sewer system prior to the effective date of these Regulations except in accordance with a permit issued by the CUO.

(E). New Connections: Any significant industrial user proposing to begin or recommence discharging non-domestic wastes into the sanitary sewer system must obtain a pretreatment permit prior to beginning or recommencing such discharge. An application for this permit must be filed at least ninety (90) days prior to the anticipated start-up date.

#### **3402.02. Permit Application.**

(A). In order to be considered for a pretreatment permit, all industrial users required to have a permit must submit the following information on an application form approved by the CUO:

- (1). Name, address, and location (if different from the address);
- (2). Standard Industrial Classification (SIC) code of both the industry as a whole and any processes for which federal categorical standards have been promulgated;
- (3). Wastewater constituents and characteristics including any federal, state, or local standards. Sampling and analysis will be undertaken in accordance with 40 CFR Part 136;
  - (a). Sampling shall be representative of daily operations
  - (b). When BMPs apply, documentation must be submitted to determine compliance with the standard
- (4). Time and duration of the discharge;
- (5). Daily maximum, daily average, and monthly average wastewater flow rates, including daily, monthly, and seasonal variations, if any;
- (6). Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used at the facility which are or could accidentally or intentionally be discharged to the POTW;
- (7). The site plans, floor plans, and mechanical and plumbing plans and details to show all sewers, floor drains, and appurtenances by size, location, and elevation;
- (8). Each product produced by type, amount, process or processes and rate of production;

(9). Type and amount of raw materials processed (average and maximum per day);

(10). Number and type of employees and hours of operation, and proposed or actual hours of operation of the pretreatment system;

(11). A list of other environmental control permits;

(12). Whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet all applicable federal, state, and local standards. If additional pretreatment and/or O&M will be required to meet the standards, then the industrial user shall indicate the shortest time schedule necessary to accomplish installation or adoption of such additional treatment and/or O&M. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions apply to this schedule:

(a). The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, beginning operation, and conducting routine operation). No increment referred to in (a) above shall exceed nine (9) months nor shall the total compliance period exceed eighteen (18) months;

(b). No later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the CUO including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the CUO.

(B). Any other information as may be deemed by the CUO to be necessary to evaluate the permit application.

(C). All plans required in **Section 3402.03** must be certified for accuracy by a State registered professional engineer.

(D). All applications shall contain the certification statement required by **Section 3403.03**.

(E). All applications shall be signed as required by **Section 3403.04**.

(F). Industrial users with categorical standards that require compliance with a BMP or pollution prevention alternative shall submit documentation to determine compliance with the standard when submitting baseline reports.

**3402.03. Pretreatment Permit Contents.**

**(A).** Pretreatment permits shall include such conditions as are reasonably deemed necessary by the CUO to prevent pass-through or interference, protect the quality of the water body receiving the POTW's effluent, protect worker health and safety, facilitate POTW sludge management and disposal, protect ambient air quality, and protect against damage to the POTW collection system or plant. Permits may contain (but are not be limited to) the following:

- (1).** Limits on the average and/or maximum rate of discharge, and/or requirements for flow regulation and equalization;
- (2).** Limits on the average and/or maximum concentration, mass, or other measure of identified wastewater constituents or properties;
- (3).** Requirements for the installation of pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (4).** Development and implementation of spill control plans or other special conditions including additional management practices necessary to adequately prevent accidental, unanticipated, or routine discharges (see **Section 3401.10**);
- (5).** The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
- (6).** Requirements for installation and maintenance of inspection and sampling facilities;
- (7).** Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules;
- (8).** Compliance schedules;
- (9).** Requirements for submission of technical reports or discharge reports;
- (10).** Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the CUO and affording the CUO or his representatives, access thereto;
- (11).** Requirements for notification of any new introduction of wastewater constituents or of any substantial change in the volume or character of the wastewater being introduced into the POTW, including the listed or characteristic hazardous wastes for which the user has submitted initial notification under 40 CFR 403.12 (P);
- (12).** Requirements for the notification of any change in the manufacturing and/or pretreatment process used by the permittee;

(13). Requirements for notification of excessive, accidental, or slug discharges;

(14). Other conditions as deemed appropriate by the CUO to ensure compliance with these Regulations and State and federal laws, rules, and regulations;

(15). A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable federal pretreatment standards, including those which become effective during the term of the permit.

**3402.04. Permit Issuance Process.**

(A). Permit Duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than five (5) years, at the discretion of the CUO.

(B). Permit Appeals. The CUO will provide notice of final permit decisions. Upon notice by the CUO, the industrial user may petition to appeal the terms of the permit within thirty (30) days of the notice.

(1). Failure to submit a timely petition for review shall be deemed to be a waiver of the appeal.

(2). In its petition, the appealing party must indicate the permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to be placed on the permit.

(3). The effectiveness of the permit shall not be stayed pending a reconsideration of the Board. If, after considering the petition and any arguments put forth, the CUO or the Board determines that reconsideration is proper, it shall remand the permit back to the CUO for reconsideration and possible re-issuance. Those permit provisions being reconsidered by the CUO shall be stayed pending re-issuance.

(4). The Board's decision not to reconsider a final permit shall be considered final administrative action for purposes of judicial review.

(5). Aggrieved parties seeking judicial review of the final Control Authority action must do so by filing a complaint with the court of competent jurisdiction.

(C). Permit Actions. The CUO may modify the permit for good cause including, but not limited to, the following:

(1). To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

**(2).** Material or substantial alterations or additions to the discharger's operation processes or discharge volume or character which were not considered in drafting the effective permit.

**(3).** A change in any condition in either the industrial user or the POTW elimination of the authorized discharge;

**(4).** Information indicating that the permitted discharge poses a threat to the Avon Lake collection and treatment systems, POTW personnel, or the receiving waters;

**(5).** Violation of any terms or conditions of the permit;

**(6).** Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting;

**(7).** Revision of or a grant of variance from such categorical standards pursuant to 40 CFR 403.13; or

**(8).** To correct typographical or other errors in the permit;

**(9).** To reflect transfer of the facility ownership and/or operation to a new owner/operator;

**(10).** Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, rules, or regulations.

The filing of a request by the permittee for a permit modification, revocation and re-issuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

**(D).** Permit Transfer. Permits may be reassigned or transferred to a new owner and/or operator with prior approval of the CUO:

**(1).** The permittee must give at least thirty (30) days advance notice to the CUO;

**(2).** The notice must include a written certification by the new owner which:

**(a).** States that the new owner has no immediate intent to change the facility's operations and processes;

**(b).** Identifies the specific date on which the transfer is to occur;

**(c).** Acknowledges full responsibility for complying with the existing permit.

**(E).** Permit Termination. Pretreatment permits may be terminated for the following reasons:

**(1).** Falsifying self-monitoring reports;



- (2). Tampering with monitoring equipment;
- (3). Refusing to allow timely access to the facility premises and records;
- (4). Failure to meet effluent limitations;
- (5). Failure to pay fines;
- (6). Failure to pay sewer charges;
- (7). Failure to meet compliance schedules.

**(F). Permit Re-issuance.** The user shall apply for permit re-issuance by submitting a complete permit application a minimum of ninety (90) days prior to the expiration of the user's existing permit.

**(G). Continuation of Expired Permits.** An expired permit will continue to be effective and enforceable until the permit is re-issued if:

- (1). The industrial user has submitted a complete permit application at least ninety (90) days prior to the expiration date of the user's existing permit;
- (2). The failure to re-issue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the industrial user.

**(H). Special Agreements.** Nothing in these Regulations shall be construed as preventing any special agreement or arrangement between the POTW and any user whereby wastewater of unusual strength or character is accepted into the POTW and specially treated and subject to any payment or user charges, as may be applicable. However, no discharge which violates pretreatment standards will be allowed under the terms of such special agreements. If, in the opinion of the CUO, the wastewater may have the potential to cause or result in any of the following circumstances, no such special agreement will be made:

- (1). Pass-through or interference;
- (2). Endanger municipal employees or the public.

**3402.05. Significant Industrial User ("SIU").** Notwithstanding any other provision of these Regulations, Significant Industrial Users shall be subject to the following requirements:

**(A).** New connections and existing connections that subsequently become subject to these Regulations shall install and start-up any pretreatment technology prior to discharge and achieve compliance within ninety (90) days after the commencement of discharge.

**(B).** Users subject to subparagraph 1 above shall have ninety (90) days after commencement of discharge to submit a Compliance Report to the CUO updating the permit application, required by Chapter 3400 with actual production, flow, and pollutant data. The forms for this report will be supplied by the CUO.

(C). The CUO, in accordance with Section 403.6 (c) (2) and (5) and (6) of the Federal Pretreatment Regulations (40 CFR §403), may convert categorical limits based on mass per unit of production to equivalent mass per day or concentration limits. Users subject to a production based standard shall then be required to comply with the equivalent limits in lieu of the promulgated standards.

(D). A determination of significant noncompliance shall automatically institute the appropriate enforcement and penalty actions as outlined in **Title 5** of these Regulations.

(E). All significant industrial users shall be required to submit to the CUO Compliance Reports on the user's self-monitoring on a quarterly basis. The deadline for submittal shall be a part of each users specific permit conditions. Industrial users with categorical standards that require compliance with BMP or pollution prevention alternative shall submit documentation to determine compliance with the standard when submitting quarterly self-monitoring reports.

**3403. Standard Conditions for Discharge Permits.** All dischargers to the public sewers that are subject to the permit requirements of these Regulations shall also be subject to the following standard conditions and shall have them incorporated as a portion of their formal discharge permit.

**3403.01. General Conditions.**

(A). Severability. The provisions of a discharge permit are severable, and, if any provision of the permit or the application of any provision of the permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of the permit shall not be affected thereby.

(B). Duty to Comply. The permittee must comply with all conditions of the permit. Failure to comply with the requirements of the permit may be grounds for administrative action or enforcement proceedings including civil or criminal penalties, injunctive relief, and summary abatements:

(C). Duty to Mitigate. The permittee shall take all reasonable steps to minimize or correct any adverse impact to the public treatment plant or the environment resulting from non-compliance with the permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge.

(D). Permit Modifications. The discharge permit may be modified in accordance with **Section 3402**.

(E). Permit Termination. The discharge permit may be terminated pursuant to the conditions of **Section 3402**.

(F). Permit Appeals. The permittee may petition to appeal the terms of the permit within thirty (30) days of the notice.

(1). This petition must be in writing; failure to submit a petition for review shall be deemed to be a waiver of the appeal. In its petition, the permittee

must indicate the permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to be placed in the permit.

The effectiveness of the permit shall not be stayed pending a reconsideration by the Board. If, after considering the petition and any arguments put forth by the CUO, the Board determines that reconsideration is proper, it shall remand the permit back to the CUO for reconsideration and possible reissuance. Those permit provisions being reconsidered by the CUO shall be stayed pending reissuance.

The Board's decision not to reconsider a final permit shall be considered final administrative action for purposes of judicial review. The permittee seeking judicial review of the Board's final action must do so by filing a complaint with the court of competent jurisdiction.

**(G). Permit Transfer.** Permits may be reassigned or transferred to a new owner and/or operator upon the written consent of the CUO in accordance with **Section 3402**.

**(H). Duty to Reapply.** If the permittee wishes to continue an activity regulated by the permit after the expiration date of the permit, the permittee must submit an application for a new permit at least ninety (90) days before the expiration date of the existing permit.

**(I). Continuation of Expired Permits.** An expired permit will continue to be effective and enforceable in accordance with **Section 3402**.

**(J). Property Rights.** The issuance of a permit does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any violation of federal, state, or local laws or regulations.

**(K). Dilution.** The permittee shall not increase the use of potable or process water or, in any way, attempt to dilute an effluent as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the permit.

**(L). General Discharge Prohibitions.** The permittee shall comply with all the general prohibitive discharge standards in these Regulations.

**(M). Compliance with Applicable Pretreatment Standards and Requirements.** Compliance with the permit does not relieve the permittee from its obligations regarding compliance with any and all applicable local, state, and federal pretreatment standards and requirements including any such standards or requirements that may become effective during the term of the permit.

**3403.02. Certification Requirements.** All applications, reports, or information submitted to the Chief of Utility Operations must contain the following certification statement:

"I certify under penalty of perjury and other applicable law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

**3403.03. Signatures on Applications and Reports.** All applications, reports, or other documents required by these Regulations and submitted to Avon Lake Regional Water shall be signed by an authorized representative of the industrial user. An authorized representative may be:

**(A).** A responsible corporate officer, if the Industrial User submitting the reports is a corporation. For the purpose of this paragraph, a responsible corporate officer means

**(1).** Either a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or

**(2).** The manager of one or more manufacturing, production, or operation facilities, provided the manager:

**(a).** Is authorized to make management decisions that govern the operation of the regulated facility, including having explicit or implicit duty of making major capital investment recommendations, and of initiating and directing other comprehensive measures, to assure long-term environmental compliance with environmental laws and regulations;

**(b).** Can ensure that the necessary systems are established or that the necessary actions are taken to gather complete and accurate information for control mechanism requirements; and

**(c).** Is assigned or delegated the authority to sign documents in accordance with corporate procedures.

**(B).** A general partner or proprietor if the Industrial User submitting the reports is a partnership or sole proprietorship respectively;

**(C).** The principal executive officer having responsibility for the overall operation of the discharging facility if the Industrial User submitting the reports is a federal, state, or local governmental entity, or its agents; or

**(D).** By a member or manager if the applicant is a limited liability company.

**3403.04. Operation and Maintenance of Pollution Controls.**

**(A).** Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control and related appurtenances which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes but is not limited to: effective performance, adequate funding, adequate operator

staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

**(B).** Duty to Halt or Reduce Activity. Upon reduction of efficiency of operation or loss or failure of all or part of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control its production or discharges or both until operation of the treatment facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

**(C).** Bypass of Treatment Facilities.

**(1).** Bypass is prohibited unless it is unavoidable to prevent loss of life, personal injury, or severe property damage, or no feasible alternatives exist.

**(2).** The permittee may allow bypass to occur which does not cause effluent limitations to be exceeded but only if it is also for essential maintenance to assure efficient operation.

**(3).** Notification of bypass:

**(a).** Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior written notice, at least ten (10) days before the date of the bypass to the CUO,

**(b).** Unanticipated bypass. The permittee shall immediately notify the Chief of Utility Operations and submit a written notice to the POTW within five (5) days after the bypass. This report shall specify:

**(1).** A description of the bypass, its cause and duration;

**(2).** Whether the bypass has been corrected; and

**(3).** The steps being taken or to be taken to reduce, eliminate, and prevent a reoccurrence of the bypass.

**(D).** Removed Substances. Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in accordance with Section 405 of the Clean Water Act (33 U.S.C. § 1345) and Subtitles C and D of the Resource Conservation and Recovery Act (40 CFR Parts 260-279).

**3403.05. Monitoring and Records.**

**(A).** Monitoring Facilities. If so required by its/his permit, a user shall be required to provide and operate a suitable monitoring location and/or equipment to facilitate observation, sampling, and measurement of the discharge. Such monitoring locations and/or equipment shall be accessible and safely located and shall be constructed in accordance with plans approved by the CUO. The monitoring location and/or equipment shall be installed by the user at his expense and shall be maintained by the user so as to be safe and accessible at all reasonable times.

**(B).** Representative Sampling. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in the permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestream, body of water, or substance. All equipment used for sampling and analysis must be routinely calibrated, inspected, and maintained to ensure its accuracy. Monitoring points shall not be changed without notification to and the approval of the CUO.

**(C).** Flow Measurements. If flow measurement is required by the permit, the appropriate flow measurement devices and methods consistent with approved scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than ten percent (10%) from true discharge rates throughout the range of expected discharge volumes.

**(D).** Analytical Methods to Demonstrate Continued Compliance. All sampling and analysis required by the permit shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, otherwise approved by EPA, or as specified in the permit.

**(1).** Grab samples shall be taken for pH, hexavalent chromium, cyanide, total phenols, oil and grease, sulfides, and volatile organic compounds. All other pollutants are done by flow proportional sampling and are representative of discharge.

**(2).** Using protocols (including appropriate preservations) specified in 40 CFR 136 and appropriate US EPA guidance, multiple grab samples collected during a twenty-four-hour period may be composited prior to the analysis as follows: for hexavalent chromium, cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field;

for volatile organics and oil and grease, the samples may be composited in the laboratory.

**(E).** Additional Monitoring by the Permittee. If the permittee monitors any pollutant more frequently than required by the permit, using test procedures identified in these Regulations, the results of this monitoring shall be included in the permittee's self-monitoring reports.

**(F).** Inspection and Entry. The permittee shall allow the CUO or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

**(1).** Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;

**(2).** Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

**(3).** Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit;

**(4).** Sample or monitor, for the purposes of assuring permit compliance, any substances or parameters at any location; and

**(5).** Inspect any production, manufacturing, fabricating, or storage area where pollutants, regulated under the permit, could originate, be stored, or be discharged to the sewer system.

**(G).** Retention of Records.

**(1).** The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by the permit, and records of all data used to complete the application for the permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the CUO at any time.

**(2).** All records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities brought by the Board shall be retained and preserved by the permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

**(H).** Record Contents. Records of sampling and analyses shall include:

**(1).** The date, exact place, time, and methods of sampling or measurements, and sample preservation techniques or procedures;

- (2). Who performed the sampling or measurements;
- (3). The date(s) analyses were performed;
- (4). Who performed the analyses;
- (5). The analytical techniques or methods used;
- (6). The results of such analyses; and
- (7). The documentation showing chain of custody.

(I). Falsifying Information. Knowingly making any false statement on any report or other document required by this permit or knowingly rendering any monitoring device or method inaccurate, is a crime and may result in the imposition of criminal sanctions and/or civil penalties.

**3403.06. Additional Reporting Requirements.**

(A). Planned Changes. The permittee shall give notice to the CUO ninety (90) days prior to any facility expansion, production increase, or process modifications which results in new or substantially increased discharges or a change in the nature of the discharge, including the listed or characteristic hazardous wastes for which the permittee has submitted initial notification under 40 CFR 403.12 (P).

(B). Anticipated Noncompliance. The permittee shall give a thirty (30) day advance notice to the Chief of Utility Operations of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

(C). Automatic Resampling. If the results of the permittee's wastewater analysis indicates a violation has occurred, the permittee must notify the CUO within twenty-four (24) hours of becoming aware of the violation and repeat the sampling and pollutant analysis and submit, in writing, the results of this repeat analysis within thirty (30) days after becoming aware of the violation. Where the control authority has performed the sampling and analysis in lieu of the industrial user, the control authority shall perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat analysis.

(D). Duty to Provide Information. The permittee shall furnish to the CUO within thirty (30) days any information which the CUO may request to determine whether cause exists for modifying, revoking, re-issuing, or terminating the permit, or to determine compliance with the permit. The permittee shall also, upon request, furnish to the CUO within thirty (30) days copies of any records required to be kept by the permit.

(E). Operating Upsets. Any permittee that experiences an upset in operations that places the permittee in a temporary state of noncompliance with the provisions of the permit shall inform the CUO within twenty-four (24) hours of becoming aware of the upset.



A written follow-up report of the upset shall be filed by the permittee with the CUO within five (5) days. The report shall specify:

- (1). Description of the upset, the cause(s) thereof, and the upset's impact on the permittee's compliance status;
- (2). Duration of noncompliance, including exact dates and times of noncompliance, and if not corrected, the anticipated time the noncompliance is expected to continue; and
- (3). All steps taken or to be taken to reduce, eliminate, and prevent recurrence of such an upset.

The report must also demonstrate that the treatment facility was being operated in a prudent and workmanlike manner.

A documented and verified operating upset shall be an affirmative defense to any enforcement action brought against the permittee for violations attributable to the upset event.

**(F). Annual Publication.** A list of all industrial users which during the previous twelve (12) months, were in significant noncompliance of applicable Pretreatment Standards or other Pretreatment Requirements shall, at least, annually be published by the CUO in a daily newspaper within the service area. Significant noncompliance shall be determined in accordance with **Title 5** of these Regulations.

**(G). Recovery of Costs Incurred.** In addition to civil and criminal liability, the permittee violating any of the provisions of a permit or these Regulations or causing damage to or otherwise inhibiting the City of Avon Lake wastewater disposal system shall be liable to the City for any expense, loss, or damage caused by such violation or discharge. The CUO shall bill the permittee for the costs incurred by the City for any cleaning, repair, or replacement work caused by the violation or discharge.

**(H). Confidential Information.** Any information and/or data supplied by the user in reports, questionnaires, monitoring programs, and inspections may be made available to the public or other governmental agencies unless the user requests and demonstrates that such information should be kept confidential. Any information submitted by the user claimed as confidential must be in accordance with 40 CFR Part 2 (Public Information). Such information may be made available to the federal, state, or local authorities during a judicial review or enforcement proceeding involving the user.

Information and data having to do with the quality and quantity of the wastewater discharges of a user shall not qualify as confidential.

[END OF TITLE 3]

## TITLE 4 – RATES

### Chapter 4100 – Billing.

Section 4101. Property Owner’s Obligation.

Section 4102. Calculation of Bills.

Section 4103. Billing Periods.

Section 4104. Failure to Pay.

Section 4105. Adjustment of Bills.

Section 4106. Final Bill.

### Chapter 4200 – Water Rates.

Section 4201. Water Turn-On Charges.

Section 4202. Water Rates.

Section 4203. New Line Charges.

### Chapter 4300 – Wastewater Rates and Charges.

Section 4301. Wastewater Rates.

Section 4302. Industrial Surcharges.

Section 4303. New Sewer Line Charges.

### Chapter 4400 – Impact Fees.

Section 4401. Water Fees.

Section 4402. Sanitary Sewer Fees.

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### Chapter 4100. Billing.

**4101. Property Owner’s Obligation.** It is the property Owner’s responsibility to assure timely payment of all Water and Wastewater Service Charges.

**4101.01. Notification of Charges.** Avon Lake Regional Water will undertake to deliver bills by depositing same in the U.S. Post Office or, if requested, by email, only as a matter of convenience to the Consumer. The failure to receive such notice shall not release the obligation of the Owner of such property to pay the Water and Sewer Service Charges and the charges shall be payable whether or not notice was received.

**4101.02. Property Owner/Tenant Agreement.** A property Owner may arrange to have a tenant or lessee pay the Water and Wastewater Service Charges, but such arrangement shall not relieve the Owner of responsibility for payment of any delinquencies that may occur for the said property. If special arrangements are needed for payment, it is the Owner's responsibility to contact Avon Lake Regional Water of the need before service is suspended.

**4101.03. Third Party Payment Processor.** The property Owner is solely responsible to assure the timely payment of all Avon Lake Regional Water billing charges. No consideration shall be given for the failure of a third-party bill processor used by the property Owner should payment be delinquent. All penalty charges including late fees and turn off and reinstatement charges shall be assessed and paid regardless of the payment authorization date given by the property Owner to the third-party processor.

## **4102. Calculation of Bills.**

**4102.01. Minimum Service Charge.** All accounts shall be assessed a Minimum Service Charge each billing period as set forth in **Schedule G**.

**4102.02. Water to be Metered.** All water supplied by Avon Lake Regional Water shall be metered, unless otherwise exempted in these Regulations. The meter reading shall be Billable Water Consumption.

**(A).** Charges Based on Water Meter Readings. Billings for Water and Wastewater Service Charges shall be made in accordance with the Billable Water Consumption and the applicable rates plus any additional charges set forth in these Regulations.

**(B).** The accuracy of meter readings may be appealed as provided in **Section 2304.08** of these Regulations.

**(C).** Estimated Bills. When it is not possible for meter readers to gain entrance to a property for the purpose of reading the meter, a card will be left or sent to the property for the purpose of allowing the Consumer to record his own meter reading. The card, if returned in the specified period with the required information, may be used in the determination of the Water and Wastewater Service Charges. For all accounts for which Avon Lake Regional Water cannot get a reading of the water meter, the Water and Wastewater Service Charges will be estimated on past use on the property in comparable periods and a bill submitted for this amount.

**(D).** If Avon Lake Regional Water fails to gain access to a premise for the purpose of reading the meter on four (4) successive billing periods, Avon Lake Regional Water may require that an outside meter be installed as specified by Avon Lake Regional Water.

**4102.03. Alternate Billing.** ALRW may approve an alternate billing method of calculating Billable Water Consumption.

**(A).** No alternate billing method of determining Billable Water Consumption shall be used without prior approval of ALRW.

**(B).** Any alternate billing method must meet the following prerequisites:

(i). Means of measurement, including the device(s) themselves, place, arrangement, number, operation and maintenance, and other relevant factors, is adequate to ensure an accurate determination of Billable Water Consumption.

(ii). Significant amount of metered water is not discharged into the Avon Lake Wastewater System.

(C). ALRW may require verification, inspection, repairs, or other steps to ensure accuracy of an alternate billing method prior to granting approval.

(D). Withdrawal of Alternate Billing Approval. ALRW may withdraw its approval of an alternate billing method at any time by providing notice to the affected Consumer. Billable Water Consumption shall be based upon the means determined to be appropriate in **Section 4102.01** shall be used effective as of the billing period during which notice of the withdrawal of approval was given. The Board may also retroactively modify past billings in a similar fashion for as long as a period of time that the alternate means has not provided an accurate determination of Billable Water Consumption.

#### **4103. Billing Periods.**

**4103.01. Quarterly Billing.** Consumers shall be billed quarterly for standard Water Service and Wastewater Service. Payments are due on the 20<sup>th</sup> day of January, April, July and October.

**4103.02. Monthly Billing for Large Volume Users.**

(A). Large Volume Users over 500,000 gallons of Billable Water Consumption per month will be billed monthly for Water Service and Wastewater Service. Payments for monthly billed accounts are due on the first day of the following month.

(B). Large Volume Users under 500,000 gallons per month can request monthly billing by written request to Avon Lake Regional Water.

#### **4104. Failure to Pay.**

**4104.01. Penalty.** Payment for Water Service and Wastewater Service Charges is due on the 20th day of the month. If Water and Wastewater Service Charges are not paid by the 20th day of the month due, a penalty of ten percent (10%) will be assessed to any outstanding balance.

**4104.02. Application of Payments.** Payments received will be applied first to delinquent charges when there is a previous delinquent charge against the same property. Partial payments will be applied to balances in the following order: (1) penalties, (2) Wastewater Service Charges, (3) Water Service Charges, (4) Loan Balances.

**4104.03. Liens.** Water and Wastewater Service Charges are assessed against the property to which the service is rendered and are a lien against such property, collectible as other liens and taxes are collected. If not paid when due, Avon Lake Regional Water shall have the authority to certify said charges to the Auditor of Lorain County, Ohio, to be

placed on the tax duplicate, with interest and penalty allowed by law, and be collected as other taxes are collected.

**4104.04. Suspension of Service.** Any account that is delinquent more than thirty (30) days after the due date is subject to having its water service suspended until payment is received by ALRW.

**4105. Adjustment of Bills.**

**4105.01. Errors.** Claims for allowances because of errors in meter readings, faulty registration of meters, and clerical errors will be allowed, upon proper evidence, and the bill adjusted accordingly.

**4105.02. Leakage or Accident.** No adjustment to the Water Service Charge portion of a bill will be allowed for a claim because of leaks in the Consumer's Water System. Avon Lake Regional Water, upon proper evidence, may adjust the Wastewater Service Charge of a bill for a leak when the Consumer can show that the excess water did not enter the Avon Lake Wastewater System.

**4105.03. Reporting Excessive Bills.** In an effort to eliminate waste and excessive bills, Avon Lake Regional Water will assist a Consumer in attempting to discover the cause of waste, provided the Consumer requests such assistance.

**4105.04. Deduction for Fire Protection.** A deduction to the Water and Wastewater Service Charge may be made for metered water used to put out or prevent the spread of fire, provided that such use is reported to Avon Lake Regional Water in writing.

**4105.05. Summer Billing Adjustment.** Individual residential accounts during the third billing quarter will have the Wastewater Service Charge adjusted to allow for summer sprinkling. The adjustment to the Wastewater Service Charge will be based on the average of the water used during the first two quarters of the year.

The summer billing adjustment shall only apply to individual residential accounts (single family residences). No adjustment shall be made for apartment, condominium, commercial, industrial, or governmental accounts, or Consumers with sprinkler and deduct meters.

**4106. Final Bill.**

**4106.01.** Consumers wishing to terminate Water and Wastewater Service may do so by contacting Avon Lake Regional Water's office. On the requested date, a final meter reading will be taken and a final bill prepared showing all outstanding charges and fees for the account.

**4106.02.** In the case of the sale of property, to avoid having the water service turned off at the time of the final meter reading, the name of the new owner and billing address must be provided.

## **Chapter 4200 – Water Rates and Charges.**

**4201. Water Turn-On Charges.** The water supply turn-on charges shall be as set forth on **Schedule H** attached hereto, as established by the Board, from time to time.

**4202. Water Service Charges.** In order to provide for the costs and expense of the management, protection, operation, and maintenance of the Avon Lake Water System, there is hereby established a Water Service Charge which shall be paid to Avon Lake Regional Water for the use of the Avon Lake Water System by every Owner of premises served by a connection to the Avon Lake Water System. Water Service Charges shall be based on the Billable Water Consumption and the applicable Water Service Rates.

### **4202.01. Water Service Rates.**

**(A).** The Water Service rates shall be as set forth on **Schedule G** attached hereto, as established by the Board.

**(B).** Minimum Service Charge. Whenever the water service is turned on, regardless of whether the meter is set or any water was used, the minimum charge for both water and sewer will go into effect in accordance with **Schedule G** attached hereto, as determined by the Board.

**(C).** Water Outside Corporation Limits. All water sold outside the corporation limits of the City shall be charged according to the rates set forth on **Schedule G** plus 10%.

## **Chapter 4300 – Wastewater Rates and Charges.**

**4301. Wastewater Service Charge.** In order to provide for the costs and expense of the management, protection, operation, and maintenance of the Avon Lake Wastewater System, there is hereby established a Wastewater Service Charge which shall be paid to Avon Lake Regional Water for the use of the Avon Lake Wastewater System by every Person whose property are served either directly or indirectly by a connection to the Avon Lake Wastewater System.

### **4301.01. Wastewater Service Rates.**

**(A).** The Wastewater Service Charge rates shall be as set forth on **Schedule G** attached hereto, as established by the Board.

**(B).** The Wastewater Service Charge shall be calculated based upon the Water Meter Reading.

**4302. Industrial Surcharge.**

The Sewer Service Charge shall be the sum of the following, as applicable to a given user:

- a. Administrative Fee *times* MBP
- b. Consumption Charge *times* BWC
- c. Industrial Surcharge Fee *times* MBP
- d. Industrial Surcharge Rate *times* EDP

When

- MBP = Months in Billing period
- BWC = Billable Water Consumption
- EDP = Excess Pounds Discharge

When a user’s service begins after the fifteenth day of the month or ends before the fifteenth day of the month, that month’s service shall not be included in the Administrative Fee.

**Chapter 4400 – Impact Fees.**

**4401. Water Fees.**

**4401.01. Water Impact Fee (“WIF”).** A WIF shall be collected from the owner of undeveloped land at the time of their connection to the Avon Lake Water System or from developed land upon their request to up-size their existing water connection for the purpose of constructing improvements to the Avon Lake Water System. The fee is meant for each new connection to pay an amount equivalent to the connection’s share of the replacement value of the water distribution system within Avon Lake to cover distribution system costs expended to provide service.

WIF shall be calculated in accordance with the definitions and formula as set forth below:

Equivalent Residential Connection (“ERC”) is a unit of measure to equate connections of any size to an equivalent number of residential units and is based upon water meter size. Both 5/8” and 3/4” meters equate to an ERC of 1. Larger water meters can pass more water and equate to more ERCs, based upon the following table:

Meter Size	ERCs
5/8 inches	1
3/4 inches	1
1 inch	1.8
1-1/2 inches	4
2 inches	7
3 inches	16
4 inches	28.5
6 inches	64
8 inches	114
10 inches	178

To determine the WIF, multiply the WIF/ERC by the ERCs. If multiple meters are requested, the cumulative ERCs must be multiplied by the WIF/ERC.

The fee shall be listed in **Schedule H**.

**4401.02. Water Main Front Foot Charge (“WMFFC”).** Upon construction of the water main, there shall be additional front foot charges and connection charges for same, to be set by the Board, to be charged against all adjoining real property which benefits from such improvements and which has frontage on said water main line. The additional charges shall be based upon the cost of an eight-inch water main at the time of their construction. These additional charges shall also apply to all real property within the City which are encumbered with covenants running with the land requiring payment for water mains upon their installation and construction. The WMFFC shall be calculated in accordance with **Schedule H**.

**4401.03.** Upon connection to the water mains, the WIF and/or the WMFFC shall be paid prior to acceptance of the water mains for any improvement, dwelling unit or commercial or industrial facility or structure on the Property. No occupancy permit for any improvement, dwelling unit or commercial or industrial facility or structure on the Property shall be issued prior to payment of the fee(s).

In the case of a request to up-size an existing water connection such fees shall be payable at the time of the request. (Rev. 1-4-12)

**4401.04.** Unpaid Balances shall accrue interest in accordance with the ORC at the time any shortfall begins.



#### 4402. Sanitary Sewer Fees.

**4402.01. Trunk Sanitary Sewer Fee (“TSSF”).** All unimproved residential real property in Avon Lake shall, upon development of the property, pay a trunk sanitary sewer capacity fee charge of \$810.00 per dwelling unit. Should there be more than one dwelling unit per building or lot, the capacity fee charge of \$810.00 shall be charged for each dwelling unit. Lots of less than 15,000 square feet in area shall pay this fee on the basis of 5.4 cents per square foot of lot area.

The fee charges are based upon construction costs, and in order that these charges be kept current, the Board shall adjust them from time to time, provided that such changes shall be effective as set by the Board or on the subsequent calendar month through the application of the following formula:

$$\text{New Fee} = \frac{\text{Fee} \times \text{ENR}}{4847.04}$$

When:

**Fee**

- \$810.00 per residential dwelling unit;
- 5.4¢ fee charge for residential lots less than 15,000 square foot of lot area;
- \$810.00 minimum for commercial and Industrial property;
- 5.4¢ fee charge per square foot of lot area for commercial and industrial real property;

**ENR**

The most current Engineering News Record Construction Cost Index for Cleveland published at the time of adjustment.

**4847.04**

1984 Engineering News Record Construction Cost Index for Cleveland, Published in December, 1983.

The calculated new charges shall be rounded up to the nearest dollar amount.

The TSSF shall be listed in **Schedule H**.

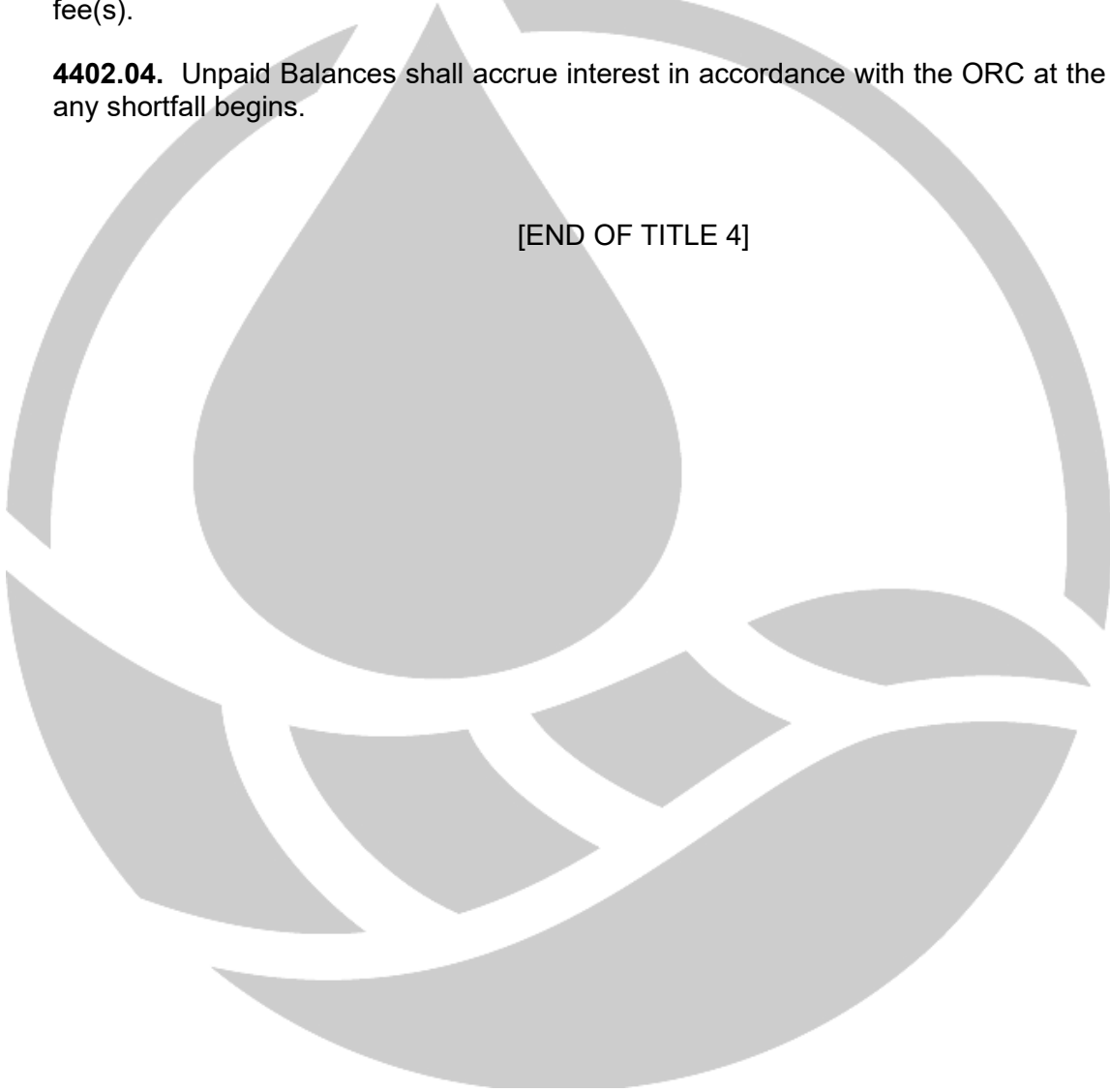
**4402.02. Sanitary Sewer Front Foot Charge (“SSFFC”).** Upon construction of the trunk sanitary sewers, there shall be additional front foot charges and connection charges for same, to be set by the Board, to be charged against all adjoining real property which benefits from such improvements and which has frontage on said trunk sanitary sewer line. The additional charges shall be based upon the cost of an eight-inch sanitary sewer

and building lateral at the time of their construction. These additional charges shall also apply to all real property within the City which are encumbered with covenants running with the land requiring payment for sanitary sewers upon their installation and construction. The SSFFC shall be calculated in accordance with **Schedule H**.

**4402.03.** Upon connection to the sanitary mains, the TSSF and/or the SSFFC shall be paid prior to any improvement, dwelling unit or commercial or industrial facility or structure on the Property. No occupancy permit for any improvement, dwelling unit or commercial or industrial facility or structure on the Property shall be issued prior to payment of the fee(s).

**4402.04.** Unpaid Balances shall accrue interest in accordance with the ORC at the time any shortfall begins.

[END OF TITLE 4]



## TITLE 5 - ENFORCEMENT

### Chapter 5100 – Penalties and Defenses.

Section 5101. Judicial Remedies.

Section 5102. Injunctive Relief.

Section 5103. Civil Penalties.

Section 5104. Criminal Penalties.

Section 5105. No Waiver.

Section 5106. Affirmative Defenses.

Section 5107. Notification of Violation.

Section 5108. Show Cause Hearing.

Section 5109. Consent Orders.

Section 5110. Compliance Orders.

Section 5111. Cease and Desist Orders.

Section 5112. Emergency Suspensions.

Section 5113. Termination of Service.

Section 5114. Annual Publication of Significant Noncompliance.

### Chapter 5200 – Amnesty Policy.

Section 5201. Amnesty Programs.

### Chapter 5300 – Collection Actions.

Section 5301. Collection of Charges.

Section 5302. Notice Required.

Section 5303. Remedies Non-Exclusive.

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### Chapter 5100 - Penalties and Defenses.

**5101. Judicial Remedies.** If any person or entity violates any provision of **Title 2-Water, Title 3-Sewers, or Chapter 3400-Discharge Permits**, or discharges sewage, industrial wastes, or

other wastes into the public sewer system contrary to any of the provisions of these Regulations or any order or permit issued hereunder, the ALRW may commence an action against such person or entity for appropriate legal and/or equitable relief in the Common Pleas Court for Lorain County.

**5102. Injunctive Relief.** Whenever a person or entity violates any provision of **Title 2-Water, Title 3-Sewers, or Chapter 3400-Discharge Permits**, or violates or continues to violate any of the provisions of these Regulations or any permit or order issued hereunder, the ALRW may petition the Court for the issuance of a preliminary or permanent injunction or both, as may be permitted by the ORC, which restrains or compels the activities on the part of the person or entity.

**5103. Civil Penalties.**

**5103.01.** Any person or entity violates any provision of **Title 2-Water, Title 3-Sewers, or Chapter 3400-Discharge Permits**, or violates or continues to violate any of the provisions of these Regulations or any order or permit issued hereunder, shall be liable to ALRW for a civil penalty of one thousand dollars (\$1,000.00) per violation, to be assessed by the utility, plus actual damages incurred by ALRW, for as long as the violation continues. In addition to the above described penalty and damages, ALRW may recover attorney's fees, court costs, and all other expenses associated with all such enforcement activities, including sampling and monitoring expenses.

**5103.02.** ALRW shall take all action necessary to recover all such penalties, damages, fees, and costs. In determining the amount of the penalty to be assessed and damages to be recovered, ALRW shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the violation, corrective actions by the person or entity, the compliance history of the person or entity, and any other factor as justice requires.

**5104. Criminal Penalties.**

**5104.01. Violations.**

**(A).** Any person or entity who violates any provision of these Regulations or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of one thousand dollars (\$1,000.00) per violation per day or imprisonment for not more than one year or both.

**(B).** In the event of more than one conviction described in Subparagraph 1(a) above, the person or entity shall be punished by a fine not to exceed three thousand dollars (\$3,000.00) per violation per day or imprisonment for not more than three years or both.

**5104.02. Falsifying Information.**

**(A).** Any person or entity who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to these Regulations, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under these Regulations shall, upon

conviction, be punished by a fine of one thousand dollars (\$1,000.00) per violation or imprisonment for not more than one year or both.

(B). In the event of more than one conviction described in subparagraph (1) above, the person or entity shall be punished by a fine not to exceed three thousand dollars (\$3,000.00) per violation or imprisonment for not more than three years or both.

**5105. No Waiver.** Avon Lake Regional Water may refer any person or entity to the appropriate officials for the initiation of investigation, prosecution, or other proceedings for a criminal violation under these Regulations without commencing enforcement proceedings outlined in this Title. The failure or delay by ALRW to enforce any of these Regulations shall not operate as a waiver or otherwise preclude enforcement of these Regulations at a later time, subject to the applicable statute of limitations. Additionally, no waiver shall be enforceable against ALRW unless such waiver is in writing and signed by a duly authorized person.

**5106. Affirmative Defenses.**

**5106.01. Treatment Upsets.**

(A). Any industrial user which experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation, shall inform the ALRW thereof immediately upon becoming aware of the upset. Where such information is given orally, a written report thereof shall be filed by the user within five days after the upset. The report shall contain:

- (1). A description of the upset, its cause(s), and impact on the discharger's compliance status
- (2). The duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance is continuing, the time by which compliance is reasonably expected to be restored.
- (3). All steps taken or planned to reduce, eliminate, and prevent recurrence of such an upset.

(B). An industrial user which complies with the notification provisions of this Section in a timely manner shall have an affirmative defense to any enforcement action brought by ALRW for any noncompliance with these Regulations or an order or permit issued hereunder by the user which arises out of violations attributable to and alleged to have occurred during the period of the documented and verified upset.

**5106.02. Treatment Bypasses.**

(A). A bypass of the treatment system is prohibited unless all of the following conditions are met:

(1). The bypass of the treatment system is prohibited unless all of the following conditions are met:

(2). There was no feasible alternative to the bypass, including the use of auxiliary treatment or retention of the wastewater; and

(3). The industrial user properly notified ALRW as described in subparagraph b below.

(B). Industrial users must provide immediate notice to ALRW upon discovery of an unanticipated bypass. If necessary, ALRW may require the industrial user to submit a written report explaining the cause(s), nature, and duration of the bypass, and the steps being taken to prevent its recurrence.

(C). An industrial user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the treatment system. Industrial users anticipating a bypass must submit notice to ALRW at least 10 days in advance. ALRW may only approve the anticipated bypass if the circumstances satisfy those set forth in this Section.

#### **5107. Notification of Violation.**

**5107.01.** Whenever ALRW finds that any person or entity has violated or is violating any provision of **Title 2-Water, Title 3-Sewers, or Chapter 3400-Discharge Permits**, or violates or continues to violate any of the provisions of these Regulations or any permit or order issued under these Regulations, ALRW shall serve upon said person or entity a written Notice of Violation by U.S. Certified Mail, return receipt requested. The Notice of Violation shall include a detailed description of the alleged violation for which action may be commenced by ALRW, and an explanation of the recipient's required actions pursuant to these Regulations.

**5107.02.** Within thirty (30) days of the receipt of the notice, the notified person or entity shall submit in writing to ALRW, an explanation of the cause of the violation and a plan for the satisfactory correction and prevention thereof, including specific required actions and time schedules for completing the same.

**5107.03.** Submission of the plan in no way relieves the person or entity of liability for any violation occurring before or after receipt of the Notice of Violation.

**5107.04.** A Notice of Violation containing any violation of Chapter 3734 of the ORC shall also comply with the requirements of Section 3734.101(B) of the ORC, including a copy of the Notice of Violation shall be sent by U.S. Certified Mail to the Director of the Ohio Environmental Protection Agency and the Ohio Attorney General.

#### **5108. Show Cause Hearing.**

**5108.01.** Any person who or entity which has been cited for a violation and upon whom ALRW has recommended enforcement actions be imposed shall, upon written request to the Board made within thirty (30) days of receipt of the Notice of Violation, have the opportunity to show cause, in an evidentiary hearing before the Board, why the

enforcement actions should not be imposed (“Show Cause Hearing”). Should the person or entity fail to make a written request for a Show Cause Hearing within thirty (30) days after receipt of the Notice of Violation, and the person or entity shall be deemed to have waived any right to a Show Cause Hearing, and the Board shall impose such fine or penalty against such person or entity as it deems appropriate under the facts.

**5108.02.** Following the Board’s receipt of a timely written request by the cited person or entity for a Show Cause Hearing, the Board shall cause a notice of the Show Cause Hearing to be served on the person or entity cited personally or by certified mail (return receipt requested).

**5108.03.** The notice of the Show Cause Hearing shall be served at least ten (10) days prior to the hearing and shall include the date, time, and place of the hearing, the proposed enforcement action, and the reasons for such actions. The duly notified person or entity wishing to appear at and participate in the Hearing must so notify ALRW not less than five (5) days prior to the date of the hearing. The Show Cause Hearing shall be tape recorded, and the Board shall maintain the recording of the Show Cause Hearing as required by these Regulations and law. All witnesses at the Show Cause Hearing shall testify under oath. The person or entity requesting the Show Cause Hearing may be represented by counsel, may confront and examine all witnesses, and may present all evidence concerning the alleged violation.

**5108.04.** After the Show Cause Hearing, the Board shall promptly inform the cited person or entity, by written notice, of the determination of the Board regarding the cited violation and the enforcement action, if any, to be taken including the assessment of any fine or penalty.

**5108.05.** The decision issued by the Board pursuant to this Chapter shall constitute a final action from which an appeal may be made to a court of competent jurisdiction.

#### **5109. Consent Orders.**

**5109.01.** In order to assure correction of a violation, ALRW may enter into a Consent Order with the person or entity responsible for the noncompliance.

**5109.02.** The Consent Order will be a written agreement between the parties that assures voluntary compliance and will include specific action to be taken by the person or entity in violation to correct the noncompliance within a specified period of time. The Consent Order may contain such other provisions or conditions reasonably determined by ALRW.

#### **5110. Compliance Orders.**

**5110.01.** When ALRW finds that a person or entity has violated or continues to violate these Regulations or a permit or order issued hereunder, ALRW may issue a Compliance Order to the responsible person or entity directing that, following a specific time period, water service and sewer service shall be discontinued unless adequate correction to the noncompliance has been completed. Such Orders may contain any requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of a pretreatment technology or the implementation of additional self-monitoring and management practices.

**5110.02.** All Compliance Orders shall include the opportunity for the appropriate person or entity to show cause in accordance with this **Section 5108**.

**5110.03.** All Compliance Orders shall be served on the person or entity who has violated or continues to violate these Regulations personally or by certified mail (return receipt requested).

**5111. Cease and Desist Orders.** When ALRW finds that a person or entity has violated or continues to violate these Regulations or any permit or order issued hereunder, ALRW may issue an order to cease and desist all such violations and direct the person or entity in noncompliance to:

(A). Comply with these Regulations immediately; and

(B). Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

**5112. Emergency Suspensions.**

**5112.01.** ALRW shall have the authority to require or, when circumstances so dictate, cause the cessation of any discharge into the City's wastewater treatment and public sewer system which either significantly endangers the health or welfare of the public or environment, or poses a significant threat to the effective operation of the Water Pollution Control Center. ALRW shall give notice, if possible, to the owner, lessor, occupant, agent, officer, or authorized representative of the user prior to causing the cessation of the discharge. The emergency cessation shall be accomplished using reasonable measures under the circumstances.

**5113. Termination of Service.**

**5113.01.** ALRW shall have the authority to terminate the service of any person or entity who refuses reasonable access to the user's premise by representatives of the City for the purpose of inspection or monitoring. Such termination shall take place no sooner than twenty-four (24) hours after notice of proposed termination has been delivered and provided that reasonable access continues to be refused.

**5113.02.** ALRW shall have the authority to terminate the service of any user who makes a new connection to the public sewer system without authorization by ALRW or his designee. Such termination shall take place no sooner than twenty-four (24) hours after notice of the proposed termination has been delivered to the user.

**5113.03.** ALRW shall have the authority to terminate the service of any user who violates these Regulations or fails to comply with an Order issued pursuant to these Regulations is not complied with in accordance with its terms. Such termination shall take place no sooner than twenty-four (24) hours after notice of the proposed termination has been delivered to the user.

**5113.04. Notice.** Unless an emergency circumstance, ALRW shall provide a minimum of twenty-four (24) hours notice to the Consumer or affected user, if known, of a scheduled termination. If a user upon whom the notice prescribed by this Section refuses to receive



notice, then written notice shall not be required, provided that notice is given to the extent possible under the circumstances. For the purposes of this **Section**, the time of notice shall be the time receipt of notice was refused.

**5113.05. Restoration of Service.** Service terminated under this Section shall not be restored until the following: (1) the violation is remedied or Order complied with to the satisfaction of ALRW and (2) payment of the reconnection charge and any assessed fines. See, **Schedule I**.

**5113.06.** After taking any of the actions described in **Section 5112**, ALRW shall give the affected user a written notice of violation and, either concurrently or in a separate writing, of the precondition, including the payment of fines, for restoration of service. These notifications shall be made as soon as practicable. Any affected user can request an opportunity to show cause in accordance with this Chapter as to why the preconditions for the restoration of service should not be enforced.

**5114. Annual Publication of Significant Noncompliance.** ALRW shall publish, at least annually, in the daily newspaper circulated in the service area, a description of those Industrial Users which were found to be in Significant Noncompliance (“SNC”), as defined below, with any provisions of these Regulations or any permit or order issued hereunder during the period since the previous publication.

**5114.01. Significant Noncompliance.** For Industrial Users which do not fall under the category of a Significant Industrial User, a Significant Noncompliance (“SNC”) shall be determined by meeting the criteria in items 1.c, 1.d, or 5 below.

(A). For Significant Noncompliance (“SNC”) shall be determined by the following:

(1). Violations of Discharge Limits:

(a). Chronic Violations – Sixty-six percent (66%) or more of the measurements exceed the same daily maximum limit or the same average limit or instantaneous limit in a six-month period (any magnitude exceeding the limit) for the same pollutant parameter. Chronic violations are applicable to any permitted monitoring point.

(b). Technical Review Criteria (TRC) Violations – Thirty-three percent (33%) or more of the measurements for each pollutant parameter exceed the same daily maximum, the same average limit, or instantaneous limit by more than the TRC in a six-month period. TRC violations are applicable to any permitted monitoring point.

Group 1 for Compatible Pollutants (BOD, TSS, Fats, Oil and Grease): TRC = 1.4 or 40% over the Limit

Group 2 for all other Pollutants (all other pollutants, except pH): TRC = 1.2 or 20% over the Limit

(c). Any other violation of a discharge limit (average or daily max.) that the CUO believes has caused, alone or in combination with

other discharges, interference (e.g., slug loads) or pass-through or endangered the health of Avon Lake Regional Water personnel or the public.

(d). Any discharge of a pollutant which has caused imminent endangerment to human health, welfare, or the environment or has resulted in Avon Lake Regional Water's exercise of its emergency authority to halt or prevent such a discharge.

(2). Violations of compliance schedule milestones for starting construction, completing construction, or attaining final compliance by ninety (90) days or more after the schedule date.

(3). Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, 90-day compliance reports, etc.) within thirty (30) days from the due date.

(4). Failure to accurately report noncompliance.

(5). Any other violation or group of violations (including violations of BMPs) that ALRW determines will adversely affect the operation or implementation of the Avon Lake Pretreatment Program.

A determination of significant noncompliance shall automatically be cause for the Board's commencing the appropriate enforcement and penalty actions as outlined in this **Title 5**.

**5114.02. Damage to Wastewater Facilities Due to Illegal Discharge.** Industrial Users are solely liable for damage to the Avon Lake Wastewater System and/or the Sanitary Sewer System, including: repairs, cleaning, disinfection, disposal of hazardous wastes, etc. ALRW may require indemnification by Industrial Users with operations deemed by the Board to have unusual or dangerous quantities or characteristics of discharge.

#### **Chapter 5200 - Amnesty Policy.**

**5201. Amnesty Programs.** To encourage compliance with these Regulations and to assure the safety, health, and welfare of Avon Lake residents, the Board may offer amnesty program for violators of these Regulations as the Board determines reasonable and necessary to promote bringing the public water and sewer systems in Avon Lake into full compliance with these Regulations and applicable laws; provided, however, that an amnesty program may be offered no more often than every other calendar year to persons who have outstanding violations. Such amnesty program shall be on terms and conditions as determined by the Board, which terms and conditions shall be advertised on ALRW's website and a newspaper of general circulation serving Avon Lake.

#### **Chapter 5300 - Collection Actions.**

**5301. Collection of Charges.** Any water charge, sewer charge, fee, cost (including all legal costs), payment, penalty or fine which has been incurred, assessed or is otherwise due and payable by any person or entity pursuant to these Regulations to the Board ("Charge"), shall be subject to collection pursuant to these Regulations. Should a Charge remain unpaid thirty (30)

days after notification as required by **Section 5302** below or after the termination of any timely appellate proceedings relating thereto which might be commenced pursuant to Chapter 2506 and Section 2505.07 of the ORC, whichever is later, then ALRW may (a) commence an action against such person or entity for appropriate legal and/or equitable relief in the Court of Common Pleas for Lorain County, and/or (b) certify said Charge to the County Auditor who shall place the certified Charge amount on the real property tax list and duplicate as a lien against the property owned by the designated person or entity, to be collected in the same manner as taxes. The lien shall be released immediately upon payment in full of the certified amount.

**5302. Notice Required.** Collection action for payment of any Charge may not begin until thirty (30) days after ALRW has mailed a statement of said Charge to the person or entity at the last known address of the person or entity.

**5303. Remedies Non-Exclusive.** The rights and remedies set forth in this **Chapter 5300** of **Title 5** shall be in addition to all other rights and remedies available to ALRW in connection with the collection of any Charge as set forth in **Title 4**.

[END OF TITLE 5]

## TITLE 6 - FINANCIAL MANAGEMENT

### Chapter 6100 – Financial Management.

**Section 6101. Separate Funds.**

**Section 6102. Transfers of Deposits.**

**Section 6103. Recordkeeping of Deposits.**

**Section 6104. Fund Transfers.**

**Section 6105. Budget Submittal and Rate Review.**

**Section 6106. Accounting System.**

**Section 6107. Investment of Deposits.**

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Section 5705.09 of the ORC requires that each city in Ohio establish separate and distinct funds for its money, and Section 743.06 of the ORC requires that each city in Ohio deposit its revenue derived from waterworks operations into a separate and distinct fund. Accordingly, the Board believes that it is in the best interest to protect and preserve the monies of the Board by adopting the following Regulations relating to its revenues and expenditures.

### **Chapter 6100 - Financial Management.**

**6101. Separate Funds.** There is hereby created and established and ordered to be maintained in the custody of a qualified Director of Finance, as designated by the Board at its discretion, as separate accounts, each of which shall be maintained solely for the benefit of the operation and maintenance of the utilities owned and/or operated by the Board, Avon Lake Regional Water, and/or the City.

**6101.01. Establishment of Municipal Utilities Water Fund.** There is hereby created and established and ordered to be maintained in the custody of the Director of Finance as a separate account a "Municipal Utilities Water Fund" which shall be maintained solely for the benefit of the operation and maintenance of the water lines and appurtenances thereto owned and/or operated by Avon Lake Regional Water. All monies received in connection with the operation and maintenance of the water lines and appurtenances thereto owned or operated by Avon Lake Regional Water shall be deposited in the Municipal Utilities Water Fund in compliance with these Regulations. All costs, liabilities and obligations relating to or arising from the maintenance or operation of the water lines and appurtenances thereto shall be paid from deposits made into the Municipal Utilities Water Fund.

**6101.02. Establishment of Municipal Utilities Sewer Fund.** There is hereby created and established and ordered to be maintained in the custody of the Director of Finance as a separate account a "Municipal Utilities Sewer Fund" which shall be maintained solely for

the benefit of the operation and maintenance of the sewer lines and appurtenances thereto owned and/or operated by Avon Lake Regional Water. All monies received in connection with the operation and maintenance of the sewer lines and appurtenances thereto owned or operated by Avon Lake Regional Water shall be deposited in the Municipal Utilities Sewer Fund in compliance with these Regulations. All costs, liabilities and obligations relating to or arising from the maintenance or operation of the sewer lines and appurtenances thereto shall be paid from deposits made into the Municipal Utilities Sewer Fund.

**6101.03. Establishment of Municipal Utilities Maintenance, Operation and Repair Fund.** There is hereby created and established and ordered to be maintained in the custody of the Director of Finance as a separate account a "Municipal Utilities Maintenance, Operation and Repair Fund" which shall be maintained solely for the benefit of the operation and maintenance of pumping station systems, including appurtenant water and sewer lines, constructed, financed and operated for the benefit of an identified consortium of governmental entities and managed by Avon Lake Regional Water (each being a "Transmission System"). All monies received in connection with the Transmission System shall be deposited in the Municipal Utilities Maintenance, Operation and Repair Fund in compliance with these Regulations. All costs, liabilities and obligations relating to or arising from the Transmission System and appurtenances thereto shall be paid from deposits made into the Municipal Utilities Maintenance, Operation and Repair Fund.

**6101.04. Establishment of Subaccounts.** The Board may, from time to time, establish subaccounts within any of the Municipal Utilities Water Fund or the Municipal Utilities Sewer Fund or the Municipal Utilities Maintenance, Operation and Repair Fund for the purpose of maintaining as separate subaccounts certain funds, revenues, monies or deposits relating to the operation and maintenance of the City-owned utilities and infrastructure and related systems therefor. Each such subaccount may be established by the Board, the CUE or the CUO in a writing to the Director of Finance identifying the source or use of funds, revenues, monies or deposits to be segregated into a separate subaccount, provided that each subaccount shall be maintained as a separate subaccount within the Municipal Utilities Water Fund, the Municipal Utilities Sewer Fund or the Municipal Utilities Maintenance, Operation and Repair Fund in accordance with these Regulations.

**(A).** In addition to those subaccounts established from time to time, there shall be the following subaccounts within the Municipal Utilities Water Fund:

**(1). Waterworks Construction Subaccount.** There is hereby created a subaccount within the Municipal Utilities Water Fund entitled "Waterworks Construction Subaccount" to be maintained in the custody of the Director of Finance as a separate subaccount. All revenues (including loan proceeds) received by the Director of Finance and designated by the Board for the acquisition, construction and installation of water lines and systems shall be deposited and maintained in the Waterworks Construction Subaccount until such time as the Director of Finance is authorized to transfer such monies or amounts thereof in accordance with the Regulations duly passed by the Board and as authorized by vouchers approved by the CUE.

**(2). Waterworks Construction ETL-2 Subaccount.** There is hereby created a subaccount within the Municipal Utilities Water Fund entitled "Waterworks Construction ETL-2 Subaccount" to be maintained in the custody of the Director of Finance as a separate subaccount. All revenues (including loan proceeds) received by the Director of Finance and designated by the Board for the acquisition, construction and installation of water lines and systems ("Waterworks") relating to the ETL-2 Transmission System shall be deposited and maintained in the Waterworks Construction ETL-2 Subaccount until such time as the Director of Finance is authorized to transfer such monies or amounts thereof in accordance with the Regulations duly passed by the Board and as authorized by vouchers approved by the CUE.

**(3). Water Surplus Subaccount.** There is hereby created a subaccount within the Municipal Utilities Water Fund entitled "Water Surplus Subaccount". All revenues received by the Director of Finance and designated by the Board as surplus revenue from water fees charged by the Board shall be deposited and maintained in the Water Surplus Subaccount until such time as the Director of Finance is authorized to transfer such monies or amounts thereof in accordance with the Regulations duly passed by the Board and as authorized by vouchers approved by the CUE.

**(4). Water Debt Service Subaccount.** There is hereby created a subaccount within the Municipal Utilities Water Fund entitled "Water Debt Service Subaccount". All revenues received by the Director of Finance and designated by the Board for the purpose of repayment of debt incurred in connection with the water services provided by Avon Lake Regional Water shall be deposited and maintained in the Water Debt Service Subaccount until such time as the Director of Finance is authorized to transfer such monies or amounts thereof in accordance with the Regulations duly passed by the Board and as authorized by vouchers approved by the CUE.

**(5). Water Debt Service Reserve Subaccount.** There is hereby created a subaccount within the Municipal Utilities Water Fund entitled "Water Debt Service Reserve Subaccount". All revenue received by the Director of Finance and designated by the Board for future payment of debt incurred in connection with acquisition, construction and installation of Waterworks shall be deposited and maintained in the Water Debt Service Reserve Subaccount until such time as the Director of Finance is authorized to transfer such monies or amounts thereof in accordance with the Regulations duly passed by the Board and as authorized by vouchers approved by the CUE.

**(6). Water Impact Fee Subaccount.** There is hereby created a subaccount within the Municipal Utilities Water Fund entitled "Water Impact Fee Subaccount". All revenues received by the Director of Finance and designated by the Board as revenue resulting from fees charged for tying into the water lines shall be deposited and maintained in the Water Impact Fee Subaccount until such time as the Director of Finance is authorized to

transfer such monies or amounts thereof in accordance with the Regulations duly passed by the Board and as authorized by vouchers approved by the CUE.

**(7). Water Interest Earned Subaccount.** There is hereby created a subaccount within the Municipal Utilities Water Fund entitled "Water Interest Earned Subaccount". All revenues received by the Director of Finance from interest earned on any funds deposited in the Municipal Utilities Water Fund or any subaccount within the Municipal Utilities Water Fund shall be deposited and maintained in the Water Interest Earned Subaccount until such time as the Director of Finance is authorized to transfer such monies or amounts thereof in accordance with the Regulations duly passed by the Board and as authorized by vouchers approved by the CUE.

**(B).** In addition to those subaccounts established from time to time, there shall be the following subaccounts within the Municipal Utilities Sewer Fund:

**(1). Sewer System Construction Subaccount.** There is hereby created a subaccount within the Municipal Utilities Sewer Fund entitled "Sewer System Construction Subaccount" to be maintained in the custody of the Director of Finance as a separate subaccount. All revenues (including loan proceeds) received by the Director of Finance and designated by the Board for the acquisition, construction and installation of sewer lines and systems shall be deposited and maintained in the Sewer System Construction Subaccount until such time as the Director of Finance is authorized to transfer such monies or amounts thereof in accordance with the Regulations duly passed by the Board and as authorized by vouchers approved by the CUE.

**(2). Wastewater Impact Subaccount.** There is hereby created a subaccount within the Municipal Utilities Sewer Fund entitled "Trunk Sanitary Sewer Subaccount". All revenues received by the Director of Finance and designated by the Board as revenue resulting from trunk sanitary sewer charges assessed by the Board shall be deposited and maintained in the Trunk Sanitary Sewer Subaccount until such time as the Director of Finance is authorized to transfer such monies or amounts thereof in accordance with the Regulations duly passed by the Board and as authorized by vouchers approved by the CUE.

**(3). Sewer Debt Service Reserve Subaccount.** There is hereby created a subaccount within the Municipal Utilities Sewer Fund entitled "Sewer Debt Service Reserve Subaccount". All revenue received by the Director of Finance and designated by the Board for future payment of debt incurred in connection with acquisition, construction and installation of sewer lines, systems and appurtenances thereto shall be deposited and maintained in the Sewer Debt Service Reserve Subaccount until such time as the Director of Finance is authorized to transfer such monies or amounts thereof in accordance with the Regulations duly passed by the Board and as authorized by vouchers approved by the CUE.

**(4). Sewer Replacement Reserve Subaccount.** There is hereby created a subaccount within the Municipal Utilities Sewer Fund entitled "Sewer Replacement Reserve Subaccount". All revenues received by the Director of Finance and designated by the Board for future replacement of sewer lines, systems and appurtenances thereto, shall be deposited and maintained in the Sewer Replacement Reserve Subaccount until such time as the Director of Finance is authorized to transfer such monies or amounts thereof in accordance with the Regulations duly passed by the Board and as authorized by vouchers approved by the CUE.

**(5). Sewer Interest Earned Subaccount.** There is hereby created a subaccount within the Municipal Utilities Sewer Fund entitled "Sewer Interest Earned Subaccount". All revenues received by the Director of Finance from interest earned on any funds deposited in the Municipal Utilities Sewer Fund or any subaccount within the Municipal Utilities Sewer Fund shall be deposited and maintained in the Sewer Interest Earned Subaccount until such time as the Director of Finance is authorized to transfer such monies or amounts thereof in accordance with the Regulations duly passed by the Board and as authorized by vouchers approved by the CUE.

**(C).** In addition to those subaccounts established from time to time, there shall be the following subaccounts within the Municipal Utilities Maintenance, Operation and Repair Fund:

**(1). MOR - ETL 1 Subaccount.** There is hereby created a subaccount within the Municipal Utilities Maintenance, Operation and Repair Fund entitled "MOR - ETL 1 Subaccount" to be maintained in the custody of the Director of Finance as a separate subaccount. All revenues received by the Director of Finance and designated by the Board as revenue received from water charges assessed by the Board relating to the ETL 1 Transmission System shall be deposited and maintained in the MOR - ETL 1 Subaccount until such time as the Director of Finance is authorized to transfer such monies or amounts thereof in accordance with the Regulations duly passed by the Board and as authorized by vouchers approved by the CUE.

**(2). MOR - ETL 2 Subaccount.** There is hereby created a subaccount within the Municipal Utilities Maintenance, Operation and Repair Fund entitled "MOR - ETL 2 Subaccount" to be maintained in the custody of the Director of Finance as a separate subaccount. All revenues received by the Director of Finance and designated by the Board as revenue received from water charges assessed by the Board relating to the ETL 2 Transmission System shall be deposited and maintained in the MOR - ETL 2 Subaccount until such time as the Director of Finance is authorized to transfer such monies or amounts thereof in accordance with the Regulations duly passed by the Board and as authorized by vouchers approved by the CUE.

**(3). West Ridge Interconnect.** There is hereby created a subaccount within the Municipal Utilities Maintenance, Operation and Repair Fund



entitled “West Ridge Interconnect” to be maintained in the custody of the Director of Finance as a separate subaccount. All revenues received by the Director of Finance and designated by the Board as revenue received from water charges assessed by the Board relating to the West Ridge Interconnection shall be deposited and maintained in the West Ridge Interconnect Subaccount until such time as the Director of Finance is authorized to transfer such monies or amounts thereof in accordance with the Regulations duly passed by the Board and as authorized by vouchers approved by the CUE.

**(4). LORCO Custodial Subaccount.** There is hereby created a subaccount within the Municipal Utilities Maintenance, Operation and Repair Fund entitled “LORCO Custodial Account” to be maintained in the custody of the Director of Finance as a separate subaccount. All revenues received by the Director of Finance and designated by the Board as revenue received from wastewater charges assessed by the Board relating to LORCO shall be deposited and maintained in the LORCO Custodial Subaccount until such time as the Director of Finance is authorized to transfer such monies or amounts thereof in accordance with the Regulations duly passed by the Board and as authorized by vouchers approved by the CUE.

#### **6102. Transfers of Deposits.**

**6102.01.** No money on deposit in the Municipal Utilities Water Fund, the Municipal Utilities Sewer Fund or the Municipal Utilities Maintenance, Operation, and Repair Fund (collectively, the “Avon Lake Regional Water Funds”), and/or any subaccounts of any of Avon Lake Regional Water Funds, shall be transferred or assigned to any person, city, or fund, including to another City fund, unless and until all of the following has been accomplished:

- (A).** The Board, by a majority vote, has authorized such transfer or expenditure; and
- (B).** The CUE has signed an invoice or a voucher evidencing:
  - 1. The Board’s authorization to transfer such money;
  - 2. The exact amount of money to be transferred;
  - 3. The account or subaccount from which to make the transfer; and
  - 4. The person or entity to whom the transfer is to be made.

#### **6103. Recordkeeping of Deposits.**

**6103.01.** The Director of Finance is hereby directed to maintain custody and accurate records of all deposits and transfers made to and from each of Avon Lake Regional Water Funds and all subaccounts of each of Avon Lake Regional Water Funds in accordance with those recordkeeping policies established by the City. Additionally, the Director of Finance shall immediately report to the CUE each transfer not in compliance with this Resolution made from any of Avon Lake Regional Water Funds or any subaccount in any of Avon Lake Regional Water Funds so that any errors may be immediately corrected.

**6104. Financial Reporting to the Board of Municipal Utilities.** Director of Finance's recordkeeping shall include at least the following reports, which shall be made available to the Board immediately upon request:

(A). To be finalized within sixty (60) days after the end of each calendar year, the annual budget report.

(B). To be finalized within thirty (30) days after the end of each calendar quarter, the quarterly budget report.

(C). To be finalized within seven (7) days after the end of each calendar month, the monthly transaction report.

**6105. Fund Transfers.**

**6105.01.** The CUE shall have the authority to make payments to the Replacement Reserve Fund, the Sanitary and Combined Sewer Improvement Fund, and/or the Debt Service Reserve Fund earlier than the scheduled February transfer date. Should an early transfer be made to either of these funds, the February payment shall be for the balance necessary to meet the required annual transfer payment.

**6105.02.** Payments to any of funds referenced in the preceding paragraph can be delayed or temporarily withdrawn with the approval of the Board of Municipal Utilities to respond to an emergency or other extraordinary situation, provided that provision is made to restoring the fund(s) to its proper balance.

**6106. Budget Submittal and Rate Review.**

**6106.01.** During the fourth calendar quarter of each year, the CUE shall prepare a budget for the following calendar year. The budget document shall contain the following information:

(A). **Actual** expenses for the preceding year, including debt payments, fund transfers, and revenue received.

(B). **Projected** expenses, including debt, fund transfers, and fund repayments, if any, and projected revenue.

(C). **Recommendations** for rate adjustments, including adjustments to the increments which constitute the consumption charge, either to insure adequate revenue from any rate, increment, maintain proportionality among user classes, disposition of surpluses in excess of normal operating reserves, and/or replenish any fund transfers.

**6107. Accounting System.**

The Board shall establish, and the CUE shall implement, an accounting system sufficient to implement the policies and provisions of this Chapter.

## **6108. Investment of Deposits.**

The Director of Finance, as custodian for the Board, may, from time to time, invest, on behalf and for the benefit of the Board, temporarily idle funds in such a manner as to maximize income while limiting risk to a nominal exposure provided that (1) the Director of Finance complies with Resolution No. 2008-02 as adopted on May 5, 2008; and (2) the Director of Finance follows the guidelines set forth in the Ohio Uniform Depository Law as contained in ORC Chapter 135. The Ohio Uniform Depository Law as contained in ORC Chapter 135 shall be used as a guideline. Additionally:

**(A).** All investments should be limited to no more than one year except in unusual circumstances, and then only when the investment can be prematurely liquidated without prepayment penalty or loss of principal.

**(B).** Certificates of deposit in the full service commercial banks and U.S. Treasury Bills shall be the primary investment instruments of the City for the benefit of Avon Lake Regional Water. Pledging of collateral as required by the ORC shall be required of all the commercial banks. Depository contracts shall be in effect before any certificate of deposit is purchased. U.S. Treasury Bills shall be delivered to the City's custody and safekeeping receipts issued by the custodian showing clear evidence of ownership by the City are required.

*Provided, however, that:*

**(1).** No transfer shall be made from any bond or note fund, except that the unexpended balance of such fund no longer needed for the purpose for which said fund was created shall be transferred to the fund from which said bonds or notes are to be paid.

**(2).** No transfer shall be made of monies raised or appropriated for the payment of any bond or note of the Board, until all indebtedness, interest and other obligations which can lawfully be paid from such monies have been paid.

[END OF TITLE 6]

## TITLE 7 - CONSTRUCTION CONTRACTS

### Chapter 7100 – Authority to Contract.

#### Section 7101. General Authority.

#### Section 7102. Specific Authority.

### Chapter 7200 – Competitive Bidding Process.

#### Section 7201. Advertising.

#### Section 7202. Bid Requirements.

#### Section 7203. Reviewing Bids.

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### Chapter 7100 – Authority to Contract.

**7101. General Authority.** The Board shall have the same powers and perform the same duties as now are or may hereafter be possessed by or enjoined by law upon Boards of Trustees of Public Affairs in villages and Directors of Public Service in cities in respect to the public utilities under their direction and supervision. See, Charter Chapter IX, Section 51.

#### **7102. Specific Authority.**

**7102.01.** The Board shall not authorize expenditures in excess of that provided by the ORC, unless pursuant to written contract made with the person, firm or corporation determined to be the lowest and best responsible bidder, after public advertising and receipt of bids in the manner provided in this section.

**7102.02.** The Board may authorize the expenditure of funds exceeding that provided by the ORC without public bidding, for the acquisition of real estate, for the discharge of non-contractual claims against the Municipality or the Board of Municipal Utilities, for personal services, for the joint use of facilities or exercise of power with other political subdivisions, or for the products or services of public utilities, including those municipally operated.

**(A).** “Personal Services” shall mean an act performed by a particular entity, including an individual, corporation, partnership or firm, which is, in effect, an economic service, including either the intellectual or manual effort of that entity, not the saleable product of his, her or its skill. This includes, without limitations, the individual personal and professional services normally rendered by a registered architect (RA), a registered professional engineer (P.E.), a registered professional surveyor (P.S.), accountant (CPA), licensed attorneys, and other professional person irrespective of whether that skill is discharged through an individual's corporation, partnership or firm all of which shall be registered with that respective professional licensing board of the State of Ohio.

**7102.03.** The Board may authorize the expenditure of funds exceeding that provided by the ORC without public bidding, when the expenditure is pursuant to a contract for the purchase or lease of supplies, materials, equipment and/or services through employment of cooperative purchase arrangements as authorized by the State of Ohio.

**7102.04.** The Board may authorize the expenditure of funds exceeding that provided by the ORC without public bidding, for any purpose for which contracts may be awarded by a municipal corporation without advertisement or competitive bidding under the general laws of the State of Ohio.

## **Chapter 7200 – Competitive Bidding Process.**

**7201. Advertising.** All contracts subject the competitive bidding process shall be advertised as required by the ORC and set forth in **Schedule K**. See, ORC 7.16.

### **7202. Bid requirements.**

**7202.01.** Generally, all bids shall include the following:

(A). Bid guaranty.

(B). Liquidated damages.

(C). For a design-build contract, any registered architect (RA) or registered professional engineer (P.E.) or registered professional surveyor (P.S.) licensed to practice in the State of Ohio, who prepares architectural and/or engineering plans or plats of survey and/or specifications for a public works improvement shall not provide any other service(s) for the improvement to any person, corporation or firm other than the Board.

(D). For a construction manager at risk contract, any construction manager at risk firm who is engaged by the Board to perform such services for an improvement shall not provide any services for the improvement to any person, corporation and/or firm other than the Board.

### **7203. Reviewing Bids.**

**7203.01.** Bids shall be opened and available for public viewing at the time, date, and place specified in the bid advertisement and/or specifications.

**7203.02.** The time, date, and place of bid opening may be extended to a later date by the Board, provided that notice of the change has been given to all persons who have requested specifications at least seventy-two (72) hours, excluding weekends and holidays prior to the original time and date fixed for the opening.

**7203.03.** The Board shall evaluate and award bids as set forth in **Schedule K**.

**7203.04.** If the Board determines that the award of a contract to the lowest or lowest best responsive bidder is not in the best interests of the City, the Board may

accept another bid so opened which the Board determines in its discretion to be from the lowest and best responsible bidder or reject any and/or all bids and re-advertise for new bids. The advertisement for other bids shall be for such time, in such form or by electronic means as the Board determines.

[END OF TITLE 7]



## SCHEDULE A

### MINIMUM STANDARDS FOR BACKFLOW PREVENTION DEVICES

**Backflow Prevention Devices** shall meet the following minimum standards required by ALRW and Ohio EPA as set forth in the Ohio Administrative Code (OAC):

**(A)** Air Gap Separations shall meet the specific edition of the American National Standards Institute (ANSI) and the American Society of Mechanical Engineers (ASME) standard as referenced in OAC and at least twice the diameter of the supply pipe, measured vertically above the top rim of the vessel, but in no case less than one (1) inch.

**(B)** Double Check Valve Assembly shall meet the specific edition of the ANSI and the American Water Works Association (AWWA) standard, or the American Society of Sanitary Engineering (ASSE) standard, or the OAC.

**(C)** Reduced Pressure Principle Backflow Prevention Device shall meet the specific edition of the ANSI and AWWA standard, or the ASSE standard, or the OAC.

**(D)** Interchangeable Connection shall be either a swing type connector or a four-way valve of the lubricated plug type that operates through a mechanism which unseals the plug, turns it ninety degrees and reseats the plug. Four-way valves shall not be used as stop valves, but must have separate stop valves on each pipe connected to the valve. The telltale port on the four-way valve shall have no piping connected and the threads or flange on this port shall be destroyed so that a connection cannot be made.

**(E)** For reduced pressure principle-detector assemblies: the specific edition of the ANSI and the ASSE standard, or the OAC.

**(F)** For double check-detector check valve assemblies: the ANSI and the ASSE standard, or the OAC.

**(G)** For pressure vacuum breakers: the ANSI and the ASSE standard, or the OAC.

**(H)** Approved Backflow Prevention Devices for In-Ground Sprinkler Systems

(1). Atmospheric pressure type vacuum break is an approved Backflow Prevention Device, however it must be testable, i.e. have test ports.

(2). A reduced pressure type Backflow Prevention Device is also acceptable.

**SCHEDULE B**

**CONNECTION CHARGES**

(Revised 10/02/2023)

\*Charges shall be updated annually according to Avon Lake Regional Water supply bidding and current labor rates.

**I. Water Connection**

Taps and Service on Existing Mains

Taps on all water mains owned and operated by the City of Avon Lake shall be installed by Avon Lake Regional Water or its authorized agent.

Cost of taps and service connections installed by Avon Lake Regional Water shall be as follows:

3/4".....	\$	4556.40
3/4" Sprinkling.....	\$	4556.40
1".....	\$	5045.01
1" Sprinkling.....	\$	5045.01
1-1/2".....	\$	7653.00
*2".....	\$	8775.02
*Over 2".....	Time and Material plus Overhead	

Avon Lake Regional Water, for 3/4" and 1" taps, shall install the service connection to the meter which will include the installation of the curb stop, meter vault, and meter.

\* For all taps 2" or larger, Avon Lake Regional Water shall make the tap, and the owner requesting the tap shall be responsible for buying and installing the vault complete to Avon Lake Regional Water specifications, install piping in the vault including a bypass, and set the meter as provided by Avon Lake Regional Water.

Contractor Installed Tap Charges

Once the contractor has installed the tap and service connection, the meter and meter vault may be set. An application for service shall be filed with Avon Lake Regional Water and payment of charges shall be made for the size service received according to the following:

3/4".....	\$	1310.71
3/4" Sprinkling.....	\$	1310.71



1".....	\$	1601.06
1" Sprinkling.....	\$	1601.06
1-1/2".....	\$	6363.91
*2".....	\$	6930.91
*Over 2".....		Time and Material plus Overhead

\*For all services 2" and larger, the contractor shall buy and install a vault complete to Avon Lake Regional Water specifications, install the piping in the vault including a by-pass, and set a meter that shall be provided by Avon Lake Regional Water.

**II. Fee for Damage to Taps and Service Connections**

Should a tap or service connection be damaged by an individual, contractor, or other utility, the full cost or repairs shall be charged to those responsible for the damage in accordance with the following:

- 1) During Working Hours shall be the cost of material, plus 100% of labor costs, plus 10% overhead.
- 2) After Working Hours shall be the cost of materials, plus 150% of labor costs, plus 10% overhead.

**SCHEDULE C**

**METER TESTING FEES**

(Revised 03/16/2021)

Meters may be tested at the instigation of Avon Lake Regional Water or the Consumer. If requested by the Consumer, such request shall be in writing and shall be accompanied by a deposit in the amounts as stated below:

5/8" to 1" Meters	\$50.00
1-1/4" to 2" Meters	Time and Material

Should any Avon Lake Regional Water Consumer request his/her meter be tested for accuracy, such test will be done by Avon Lake Regional Water or its agents. If the meter so tested for accuracy does not meet AWWA water meter accuracy standards, then there will be no charge to the Consumer requesting such test. If, however, the meter tests accurate by the same AWWA standards, then all costs associated with such testing procedure plus a 10% administrative fee shall be billed to the Consumer. If said bill is not paid in 30 days from the date of billing, it shall become part of the next water bill and as such shall be subject to all existing collection policies of Avon Lake Regional Water.

The Consumer or the Consumer's agent shall be present to witness said test. Failure of the Consumer to witness the test at a mutually agreed upon time shall not relieve the customer of any expense incurred by Avon Lake Regional Water in preparation for said test.

## SCHEDULE D

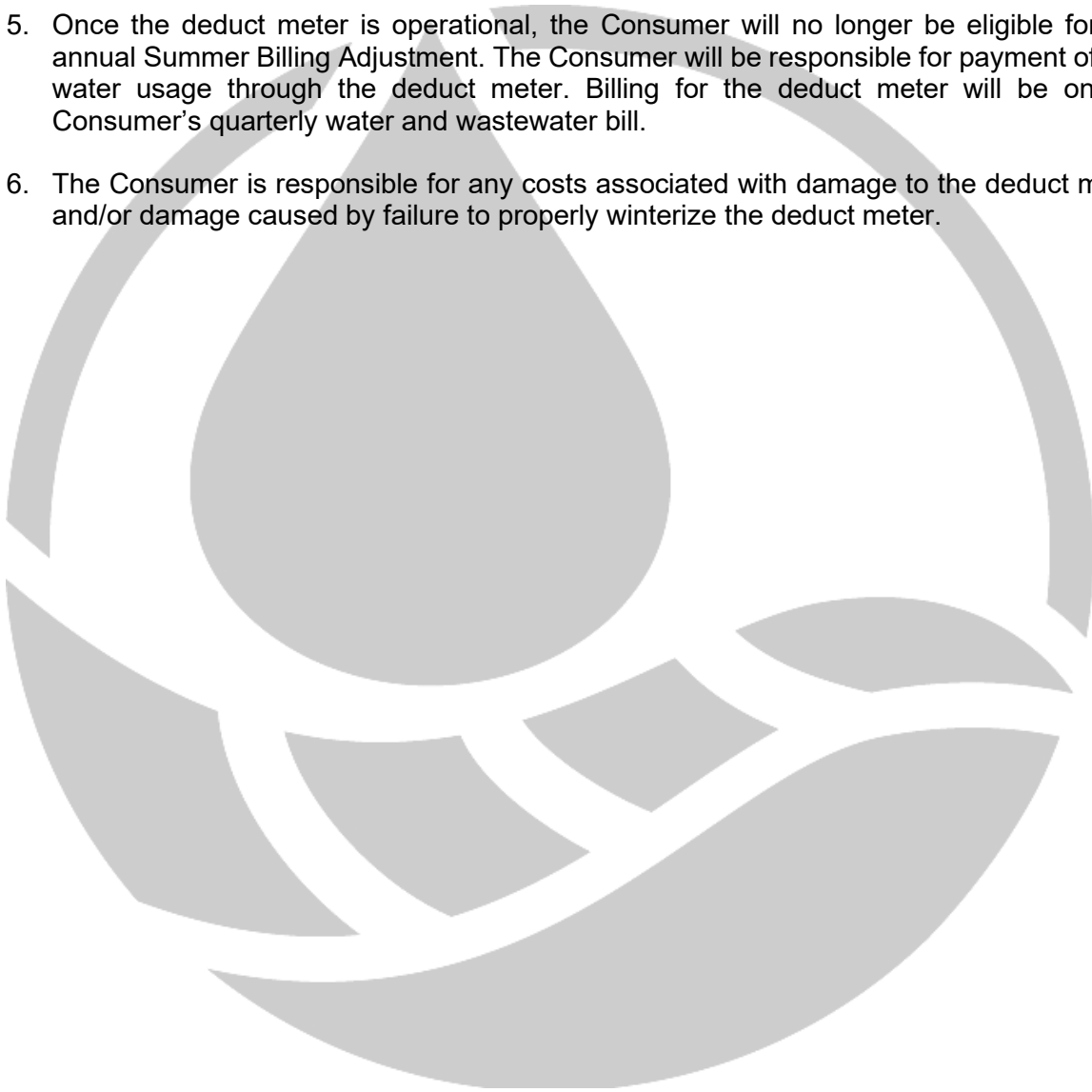
### Avon Lake Regional Water Deduct Meter Program

(Effective 12/6/2022)

Avon Lake Regional Water shall allow Consumers to have a deduct meter on the property. Consumers that have a deduct meter shall be charged for water usage from the meter, but not sewer usage. Consumers that install a deduct meter on their property shall follow the guidelines below:

1. Consumers and/or the Consumer's approved contractor shall request a deduct meter from Avon Lake Regional Water by filling out the Request for Deduct Meter form and returning it to Avon Lake Regional Water.
  - a. The deduct meters shall be installed with radio read, cellular read, and/or another approved meter.
  - b. The deduct meter shall be purchased by the Consumer and/or the Consumer's approved contractor. The total cost shall include the cost of material, plus 10% overhead, reflected on the Request for Deduct Meter application. Costs will automatically be updated by the annual Avon Lake Regional Water supply bidding.
    - i. 3/4": \$412.50
    - ii. 1": \$492.80
    - iii. 2": \$2,596.00
  - c. The location of the deduct meter on the property shall be determined by Avon Lake Regional Water.
  - d. The above deduct meter, and/or any other deduct meter as determined by Avon Lake Regional Water, is the only meter that will qualify for the Deduct Meter Program.
2. The information provided on the form shall be used by Avon Lake Regional Water to issue the no-cost permit and deduct meter for the property.
  - a. The permit is for installation of the provided deduct meter at the Consumer's property.
  - b. The permit shall include the necessary information for the specific location of deduct meter on the property.
3. Avon Lake Regional Water shall inform the Consumer and/or the Consumer's approved contractor when the customer may pick up the permit and meter from Avon Lake Regional Water.
  - a. Payment for the deduct meter is due in full when the Consumer and/or Consumer's approved contractor picks up the permit and meter.

4. Before the deduct meter may be operational, Avon Lake Regional Water must inspect the deduct meter and its connections.
  - a. Failure of inspection will result in Avon Lake Regional Water shutting off the deduct meter until inspection is made.
  - b. Failure of further compliance could result in additional penalties under **Title 5** of these Regulations.
5. Once the deduct meter is operational, the Consumer will no longer be eligible for the annual Summer Billing Adjustment. The Consumer will be responsible for payment of any water usage through the deduct meter. Billing for the deduct meter will be on the Consumer's quarterly water and wastewater bill.
6. The Consumer is responsible for any costs associated with damage to the deduct meter and/or damage caused by failure to properly winterize the deduct meter.



## SCHEDULE E

### NEW WATER SERVICE MAIN AND LINE CHARGE SCHEDULE

\*Charges shall be updated annually according to Avon Lake Regional Water supply bidding and current labor rates.

#### I. TESTING

##### A. Testing New Water Service Mains and Lines (Revised 03/16/2021)

Fill the Line *	\$405.00
Flushing and Bacteria Sampling *	\$946.61
Bacteria Check Sample *	\$420.01
Put Line in Service	\$147.48
Laboratory Analysis	\$49.00 (“per sample” cost)

\* Flushing and sampling effort assumes street pavement is complete or contractor supplies and installs required hoses. All additional effort required by Avon Lake Regional Water will be billed at the established hourly labor rate plus 100%.

##### B. Testing New Sanitary Sewers (Revised 03/16/2021)

Review Inspection Video	\$162.89
Installation and Removal of Plug	\$969.97

For all new sanitary sewer installations in the City of Avon Lake, Avon Lake Regional Water will perform the following tasks at the costs established in the current New Water Service Main and Line Testing Charge Schedule:

1. One trip to install and one trip to remove a plug on the new sanitary’s connection to the City’s existing system.
  - The contractor shall immediately notify Avon Lake Regional Water upon connection of the new sanitary to install the plug.
  - The plug shall remain on the new sanitary until such time as the new sewer has been accepted by the City.
  - Tampering with the plug for the purpose of draining storm water and allowing such water entry to the Avon Lake sanitary sewer system shall be subject to a \$1000.00 fine that must be paid in full to Avon Lake Regional Water prior to the acceptance of the sewer.
2. One review of the TV inspection video of the new sanitary sewer for acceptance of the installation.

3. Camera shall be of the pan-and-tilt type with sufficient illumination and focus to adequately view the pipe's condition and alignment.
4. Both the videotape narrative and written report shall call out all observed defects by measured location.
5. Inadequate videotape quality or reports will cause the sewer to be rejected by Avon Lake Regional Water until an acceptable videotape is provided.

Any additional manpower, testing, review or consultation from that specified above will be billed on a time and material basis plus 100% of the labor costs. All such additional costs shall be billed to the project's owner on all private projects and to the prime contractor on all public projects and are due upon receipt.

All other existing installation and testing requirements not specifically addressed herein shall remain unchanged and in full effect.

## II. INSPECTION

### A. WATER LINE INSPECTION CHARGE (Revised 03/16/2021)

Water mains installed on private property that are to become Avon Lake Regional Water's shall be subject to an inspection charge based on the following:

\$100.00 – Minimum for first 100 feet

80¢ per lineal foot beyond 100 feet

## SCHEDULE F-I

### CONSTRUCTION STANDARDS FOR WATER LINES

#### I. WATER MAIN EXTENSIONS

##### Minimum Standards for Water Main Extensions.

(A) Pipe. All water mains shall be constructed of one of the following:

- (1). Ductile Iron – Thickness Class 52, 3”-12” size cement-mortar lining, conforming to ANSI/AWWA Standards C104/A21.4-16 and C151/A21.51-17 and/or latest revision, edition thereto, Polyethylene Encasement per ANSI/AWWA C105/A21-18, 8 mil (0.008 inch) minimum thickness, blue in color attached with plastic tie straps. Retail distribution system only. For ETL transmission mains, pressure class 200-operating pressure of 200 psig and maximum surge pressure of 300 psig. Any ductile iron water mains, if specified, shall have an exterior uniform and continuous 1mil minimum thickness of bituminous coating. Any ductile iron pipe shall be specified based upon equivalent outside diameter (CIOD).
- (2). Reinforced Concrete Pressure Pipe – Steel cylinder type ANSI/AWWA C300-16.
- (3). Polyvinyl Chloride Pressure Pipe (PVCO) – Molecularly oriented – ANSI/AWWA C909-16 pressure class (PC = 235 psig). Material shall be equal or exceed physical & chemical class 12454-A or 12454-B, extruded clear virgin resin compound per ASTM D-1784, be blue in color. Pipe joints shall be elastomeric push-on gasket joint per ASTM F477.

(B) Fittings and Valves. All fittings and valves on new installations shall meet the latest revised AWWA Standard.

- (1). Fittings – ANSI/AWWA C110/A21.10-12 or ANSI/AWWA C153/A21.53-19
- (2). Gate Valves – ANSI/AWWA C500-19
- (3). Butterfly Valves – ANSI/AWWA C504-15
- (4). All valves shall be Mueller Company LLC or American Darling or an Owner approved equal. Gate valves shall be resilient seated gate valve. Butterfly valves shall be used for all installations 16” and larger.
- (5). In addition, all bolts on buried water line fittings and valves shall be 316 stainless steel and then the entire fitting or valve shall be double wrapped with a 8-mil polyethylene wrap cover. Tee bolt nuts shall have the threads coated by the factory with anti-seize coating to prevent galling.

(C) Fire Hydrants.

- (1). Approved 3-way fire hydrants for the Avon Lake Water System shall be supplied with standard City threads, two (2) 2-1/2” hose nozzles and one (1) 5-1/4”

STORZ pumper nozzle per AWWA C502, latest edition Mueller Centurion A-423 with 5-1/4" valve opening, and all shall be installed with a six (6") watch valve and box. Hydrants shall be installed approximately every 300+/- linear feet along the main. In addition, any main installations that terminate at a dead end shall have a hydrant or approved blow-off installed at the terminus or end-of-the-line electronic flushing device.

(2). For fire hydrants located at a dead end, the fire hydrant shall include an automatic flusher.

**(D) Location.** All water main installations shall be located off the paved area of any roadway and sidewalk within tree lawn area of the right-of-way. The water main shall be installed on the opposite side of the roadway from any Sanitary Sewer and shall be uniform in location as to the side of the roadway it is installed for any additional streets in a subdivision. All water main crossing and out-to-out clearance shall comply with Great Lakes – Upper Mississippi River Board (GLUMRB) Ten States Standards and Ohio EPA requirements.

**(E) Installation.**

(1). The installation of all water main pipe, valves, fittings, appurtenances and hydrants along with alignment and grade, trench construction, backfilling, long & short bacteria tests and hydrostatic and bacteria check sample testing shall conform to ANSI/AWWA C600-17 Specifications or latest edition.

(2). Special care shall be taken to prevent damage to the protective coating and lining of the main and to protect pipe openings from the introduction of foreign material during handling and installation.

(3). The water main shall be backfilled with #57 premium limestone or Owner approved backfill, as approved by the Engineer, vibratory compacted (consolidated) to a depth of six (6) inches bedding and on all sides of the pipe to one (1) foot above top of pipe and shall be thoroughly compacted before final backfilling. Under no conditions shall any water main backfill contain any blast furnace slag screenings or crushed recycled concrete. The contractor shall provide for a three (3) year trench settlement warranty.

(4). Tracer wire shall be #12 AWG minimum copper wire coated with 30-mil polyethylene jacket designed specifically for direct bury use. Connect to side of pipe with tape at ten (10) foot intervals. Splicing connector is Dry Conn Direct Bury Lug, manufactures by Copperhead Industries, LLC, or Owner approved equal.

(5). All materials used in the potable water system shall be ANSI/NSF Standard No. 61 certified for drinking water system components-health effects.

**(F) Service Connections.** On new subdivision installations, the licensed contractor shall be responsible for making the taps to all properties having frontage on the water main. Taps and extension of the service line shall be in a manner, including materials, approved by Avon Lake Regional Water and be shown on the contractor's approved improvement plans.



(1). The contractor shall be responsible for tapping the main after successfully passing the hydrostatic test, installing the corporation cock (Farnan Brass or equal), and extending the service line (minimum 1" "K" copper) a distance of at least five (5) feet into the property line. At a distance of seven (7) feet from the property line or as specified by Avon Lake Regional Water, the contractor shall install on the service line a curb stop along with its service box and adjust the said box to final grade. On existing water mains or new mains installed by Avon Lake Regional Water, new Service Connections shall be made by Avon Lake Regional Water.



## SCHEDULE F-II

### CONSTRUCTION STANDARDS FOR SANITARY SEWERS

#### I. Minimum Standards for Installation of New Building Lateral Sewers.

- (A) Building is defined as any new or existing structure built as residential, commercial or industrial that has public water and sanitary services available. Building Sewers refers to the sanitary lateral running from the building to the main.
- (B) Location. All new Sanitary Sewers laterals to new buildings shall be installed into the area to be occupied by the building footprint and stubbed up vertically at least two (2) feet above the proposed lower floor level.
- (C) Debris Prevention. To prevent debris and clean water from entering the Sanitary Sewer service lateral, the stub must be capped or plugged with a water tight seal.
- (1). In the case of plastic (pvc) sewer pipe, a cap shall be glued on the vertical stub, or, in the case of iron pipe, a elastomeric expansion plug must be set in place.
  - (2). Once the sump pump and discharge piping for the building is installed and functioning, the plug or cap may be removed for completion of the internal plumbing.
  - (3). If the plumbing is extended internally into the building prior the sump pump being installed and functioning, no outlet shall be left open below a two (2) foot level above the lower floor of the Sanitary Sewer's entry into the building. All openings not meeting this criteria shall be capped or plugged. In no event shall the plug or cap be removed or the pipe broken and left open without immediate repair. Should it be found that the Building Sewer was broken or opened contrary to this requirement, the contractor or person acting in this capacity shall be responsible for a fine as set forth in **Title 5** of the Regulations.
- (D) Specifications for Private Sewer Laterals. The Building Sewer shall be of the size and material as required by the Avon Lake Building Code and these Regulations as set forth in this Schedule. The building Owner shall own and be responsible for the repair, upgrade and maintenance of the sanitary / storm laterals from the building to the sanitary / storm sewer main and its connection to the sewer main.
- (1). Material.
    - (a). SANITARY Pipe & fittings, Non-Pressure Rated, Gravity Sewer Pipe, ASTM D-3034, ASTM D1784 Cell Class 12454/12364, Gaskets per ASTM F477, Joints per ASTM D3213, SDR-35 (PS 46), green color pipe, gasket joint, six (6) inch diameter for sanitary sewer lateral. Nominal Laying Length: 14 and/or 20 foot lengths. Used pipe/cut-off section scraps cannot be used in new installations.
    - (b). STORM Pipe & fittings, same as item (1a.) above, or glue-joint pipe, six (6) inch diameter for storm sewer lateral, Polyvinyl Chloride (PVC). "Glue Joint" allowed for sewer separations and repair/replace work only,

and for all down spout storm pipe from the rear of the building, around the sides and tied into the tee in the front of the building. New storm sewer lateral shall also comply to (1a.) above.

(2). Cleanout. Cleanout, maintenance access point, on house/building side, two (2) feet off of sidewalk and out of public right-of-way. 6"x6"x6" gasketed tee laid on-back per material requirements of item 1. One (1) complete pipe length (no piecing pipe scraps) vertical section with push cap or screw plastic cap, with cap gasket removed. Place every 100 feet maximum and at 90° changes in horizontal alignment. A 90° bends, shall be accomplished with two (2) 45° bends connected with a two (2) foot spool piece between them. An upstream and downstream cleanout shall be within five (5) to eight (8) feet of the dual 45° bends.

(3). Alignment. Alignment changes in the horizontal and / or vertical plane, with 11-1/4°, 22-1/2° or 45° bends for SANITARY sewer laterals. "Long Sweep" 90° fittings can ONLY BE USED ON STORM sewer laterals and downspouts. Sanitary lateral from building shall not drop into cleanout's vertical pipe section as solids and paper will build up in the tee's invert, leading to maintenance and flow issues. Install a 45° downward bend with the necessary length of six (6) inch piping to match invert elevation upstream downstream followed by a 45° bend upward to recover the flow line into the horizontal plane.

(4). Sanitary sewer lateral from building, four (4) inch Schedule 40 glue joint is allowed up three (3) feet from foundation over dig (Plumbing Code), then using an "ECCENTRIC" reducer (preferred and recommended), transition coupler from four (4) inch glue joint to six (6) inch gasket joints. A Concentric plastic fitting reducer shall not be used on sanitary lateral transition. Fernco rubber coupler with stainless steel band for pipe different material / size transitions are acceptable.

(5). Install a "Fernco" rubber booting coupler between new and existing pipe if of different material. If crossing a trench, dig back into the trench wall, form a deep shelf. If pvc to pvc connection use a pvc solid sleeve gasket joint connector(s). Place a pressure treated Wolmanized hardwood plank under pipe for rigid support. All Fernco couplers shall have worm screw bands, be of stainless steel material. Fernco coupler cannot be used on pvc to pvc pipe splice- in connections.

(6). Slope. Minimum slope is negative one-percent (-1%) fall on sewer laterals from building to sewer main. No section of new lateral shall have a reverse slope along its length.

(7). Sewer main tapping for sewer lateral connection to PVC, VCP or PCCP sanitary sewer main shall require the Contractor to core drill a perfect circular hole with an approved core hole drill, with equipment specially designed to cut a smooth hole without spalling or damaging the reinforcing steel, pipe or structure. The coring of the hole and the placing of the Inserta tee or saddle connector shall be done in the presence of the inspector. Remove the cored section of pipe, clean all cutting burrs and material from the hole and properly dispose of it, do not allow the coring coupon to fall inside the sewer main, if it does the Contractor shall immediately remove it by what even means are necessary. No connection shall be made to the main connection until the ALRW inspector has approved the tap

location, material and method. All cored holes shall be made above the spring line of the sewer main.

(8). The sewer main connection shall be made with a Saddle Connector for PVC and VCP, smooth-wall pipe. Use a (Inserta-Tee) for PCCP and HDPE sewer pipe. All metal hardware shall be 316 stainless steel with rubber elastomeric seals, dual bands, and worn gear type clamp mechanism.

(9). Place six (6) inches of premium limestone backfill #57, or #8 spread level and sloped as required to accept the sewer lateral pipe. Partially place additional backfill up to the pipe's spring line and choke pipe the entire length and on both sides of the pipe to ensure proper pipe support in the haunch area of the pipe. Do not over insert the pipe spigot into the bell beyond the black marker circumferential "Witness Mark" as that is the building mark that the pipe is fully engaged to manufacturer's recommendations. Over insertion can crack and/or split the bell. If during installation of sewer lateral pipe, that a section needs to be reduced in length, insure that "cut" pipe sections have a uniform beveled spigot edges, free of burrs and strings and have sufficient pipe lubrication at the chamfer and along the pipe's outside diameter to at least the witness mark. Ensure that the Contractor remarks a new witness mark on cut pipe sections to ensure that the spigot & bell are engaged per manufacture's recommendations.

(10). Install pipe from deepest elevation of the trench up slope to shallowest elevation (from downstream to upstream) with pipe's bell being down stream of mating pipe's spigot end. Ensure spigot end has sufficient chamfer/bevel to prevent cutting the gasket inside of the downstream bell. Sewer pipe shall not be installed backwards and/or down slope.

(11). All sanitary and storm sewer laterals on the building side of the sidewalk shall have a minimum of four (4) feet thick clay dam (or LSM 50) placed from trench bottom (virgin soil) to within one (1) foot of final local grade, entire trench width. All clay shall be compacted to prevent trench water flow back towards the building. If shale is present, Contractor shall use LSM 50 in lieu of clay to obtain a water tight seal. Do not place premium limestone as bedding within the clay dam section.

**(E). Excavation and Backfill.** All excavations required for the installation of the Building Sewer shall be open trench work unless otherwise approved by Avon Lake Regional Water in advance of the planned work. The sewer lateral connection pipe shall be laid straight, properly aligned, slope and fall with proper bedding backfill and compaction. All pipe laying and backfill shall be performed in accordance with the ASTM specifications and ALRW requirements. No backfill shall be placed over the pipe until the installation has been inspected and approved. Contractor shall also install compacted clay dams four (4) feet minimum length, width and depth of trench, place no aggregate backfill under the pipe going through the clay dam, on both sanitary and storm sewer laterals. Any sewer lateral installed at trench depths greater that twelve (12) feet shall require special provisions to protect the fitting, connection and vertical portion of the lateral from increased soil loads. Concrete cradle, saddle, encasement, Sonotube w/ granular backfill, expansion fitting assembly or recessing/sloping vertical section into trench wall.

All excavation for Building Sewers shall be adequately guarded with barricades and lights so as to protect the public from hazards until the final work is accepted by the appropriate municipal authority.

**(F). Proper Grade and Elevations.** The grade for Sanitary Sewer connections from the main sewer in the street to the building foundation shall be a minimum of one-percent (1%), one (1) foot fall vertical per one hundred (100) feet horizontal translation) to assure a minimum scouring velocity of two (2) feet per second. The elevation of the flow line invert of Sanitary Sewer connections at the building foundation shall be a minimum of one (1) foot above the inside top of the Sanitary Sewer main in the street. Sewer lateral connection into the sewer main, as viewed in the direction of flow, angular position is from 10 o'clock to 2 o'clock, as view in the direction of flow. If the building sewer lateral is installed at or below the spring line of the sewer main, there exists a possibility that the lateral could be subjected to surcharging.

**(G). Building Connections.** At the time of the sewer main installation, pvc wye branches fittings shall be installed for all serviced properties and buildable lots and the building lateral extended to a distance of four (4) feet beyond the right-of-way. The wye shall be installed at the highest point possible on the side of the sewer and the lateral extended at a minimum of a one-percent (1%) grade. If the lateral is terminated below grade, it must be capped with an acceptable watertight plug and vertical cleanout, two (2) feet outside of right-of-way and a 4"x4" wood post set for location and protection from construction damage.

The connection of the Building Sewer into the Sanitary Sewer Main shall be made at the wye branch, if such branch is available at a suitable location. Where no properly located wye is available in sewers of the following diameter - 8", 10", 12", 15"- core an elastomeric tap at either the 2 or 10 o'clock angular position. For sewers eighteen (18) inches and over, a neat hole may be core drilled- cut into the main sewer at the location specified by the ALRW inspector at the highest point possible on the side of the sewer main. A smooth, neat joint shall be made and the connection made secure and water tight, by encasement in concrete as directed by the ALRW inspector. Special fittings may be used for the connection when approved by Avon Lake Regional Water or follow "Sewer Main Tapping" above in Section C (7).

**(H). Sampling Manhole.** All new and existing commercial and industrial properties shall be required to install a sanitary sampling manhole just outside of public right-of-way and in-line with the building lateral. The property owner shall be responsible for the installation, expense, maintenance and liability of the sampling manhole and ensure it to be safe and accessible at all times. Sufficient room shall be provided as to allow sampling equipment and personnel to collect wastewater samples and /or flow information.

Minimum dimensions shall be 48 inches in diameter and three (3) feet in depth. The sampling manhole shall utilize a gas-tight manhole cover and frame. Where located in areas subject to traffic, its rating shall have an H-20 rating minimum. The Sewer Lateral line shall be of sufficient length as to allow for representative wastewater sampling to occur within the sampling manhole. Sampling manholes shall be constructed per ALRW standard for sanitary manholes.

**(I). Inspection.** The applicant for the Wastewater Connection Permit shall notify Avon Lake Regional Water when the Building Sewer is ready for inspection and connection to

the Sanitary Sewer System. The connection shall be made under the supervision of Avon Lake Regional Water, within twenty-four (24) hours after notice is given that the installation is ready for inspection. The applicant must give his Wastewater Connection Permit number when requesting an inspection. All inspections must be scheduled by noon of the day the inspection is requested. ALRW will also inspect footer drain tile, downspouts, sump pump discharge and any surface water basins for illegal connections into the sanitary sewer.

**(J). Backflow.** The building owner may decide to install a backwater or backflow valve in the sanitary and/or storm sewer lateral outside of public right-of-way and new to the cleanout. And must follow all of the manufacturer's installation and maintenance policies and procedures.

**(K). Quality of Workmanship.** All work shall be done by persons experienced in the specific work, under competent supervision and to ALRW satisfaction.

## **II. Minimum Standards for Installation Sanitary Sewers.**

**(A). Location.** The Sanitary Sewer shall be installed at least ten (10) feet horizontally (out-to-out) from any water main. If the Sanitary Sewer is to be located off the paved area of the roadway, it will be so located as to be between the roadway and the Storm Sewer. Sewers crossing water mains shall be laid to provide a minimum vertical distance of eighteen (18) inches (Out-to-out) between the outside of the water main and the outside of the sanitary sewer and twelve (12) inches (Out-to-out) with storm sewer. The crossing shall be arranged so that the sewer joints will be as far as possible from the water main joints.

**(B). Manholes.** Manhole (maintenance access point) materials and installation shall meet the following minimum requirements:

(1). **Location of Manholes.** Manholes shall be installed at distances not to exceed four-hundred (400) feet along the length of the sewer main route. A manhole shall also be installed at any upstream terminus to facilitate the cleaning and testing of the entire sewer and raceway shall extend the full diameter of the base. No sanitary manholes shall be permitted in driveways or sidewalks.

(2). Manholes on new Sanitary Sewers shall be precast, reinforced concrete conforming to ASTM C-478, ASTM C150/C150M, type II and shall be of a minimum of forty-eight (48) inches diameter and provide for a hydrogen sulfide resistant antimicrobial admixture added for concrete corrosion protection if near a discharge point of a sanitary sewer force main, as determined by ALRW.

(3). All joints shall be of the molded elastomer "O-ring" type ASTM-C-443 and, when installed shall have a bitumastic compound added to the barrel tongue and groove joint(s) and to include an external joint wrap as required, width of twelve (12) inches mastic wrap on the outside of the manhole for water tightness. Two (2) continuous strips resilient, flexible, non-hardening, preformed Butyl mastic strips conforming to ASTM C-44 (Rub R Nek, EZ Stick or Owner approved equal shall be applied to both the top and lower rails of the tongue and groove joint.

(4). Inlet and outlet pipes shall be joined to the manhole with a gasketed flexible, water tight connection such as Price Bros. Co. Kor-N-Seal or approved equal. Depending upon the application, a quantity of quick set ready mix 4000 psi high early concrete shall be delivered to the site, amount as directed by ALRW shall be placed and vibrated circumferentially around the sewer pipe(s) and manhole barrel section.

(5). **If the manhole base is to be built and poured on-site**, the lower section of the manhole shall be set in high early 4000 psi concrete, and concrete fill shall be shaped and sloped to the sewer pipe's diameter, alignment, grade and elevation to create a smooth fill-parabolic shaped flow channel. Minimum elevation drop through the manhole raceway (inlet to outlet) shall be 0.1 feet for thru, and 0.2 feet for bends, wye and tees. Uniform, equal cross section, non-flat invert, smooth, non-turbulent producing trough with full sweeping radius is required.

(6). Manhole steps shall be placed in-line over the bench with even spacing of approximately sixteen (16) inches maximum between steps and shall comply with OSHA subpart D "Fixed Ladders". Section 1910-27 and ASTM C 478 Precast Reinforced Concrete Manhole section. Manhole steps shall be placed perpendicular to traffic flow.

(7). Grade adjustments shall be made with precast concrete adjusting collars not to exceed nine (9) inches in total stacked height.

(8). Manhole covers (lids) Type C, shall be cast grey iron per ASTM A-48, Class 35B, finish; asphalt coated all exposed surfaces, minimum weight of 131 lbs., heavy-duty frame, traffic bearing, permagrip texture on lid, cast "SANITARY" on upper surface self-sealing frame and solid cover. With self-sealing lid seal shall fit into a precision machined groove. Both frame and cover shall have machined horizontal and vertical bearing surfaces to prevent rocking and rattling of covers. A molder rubber gasket T-seal mechanically retained into lid shall make contact with the frame to create a leak proof & water tight seal. Shall contain concealed pick holes to facilitate removal of the lid, but now allow surface weather to enter the manhole. Manhole lid shall be a minimum of twenty-six (26) inches in diameter.

(9.) Any sanitary sewer force main that discharges into a precast concrete manhole, shall be of special construction. The manhole shall be constructed by ARMOROCK, 14555 Spring Canyon Road, Boulder City, NV. 89006, and include the polymer base, barrel sections, eccentric cone, flat top, grade rings, frame and cover.

Or Mack Industries, Inc. Class II with manufacturer certification for the use of "Con MIC Shield Technologies, Inc." Antimicrobial Admixture Concrete (Con<sup>MIC</sup>Shield HD Microbiostatic Agent to prevent Microbial Induced Corrosion (M.I.C.).

(10.) External Drop. If the depth of the proposed sanitary sewer main connection is shallower than the existing elevation sanitary sewer main, an external manhole drop may be warranted.

Sanitary sewer main connections for new subdivisions to existing sanitary manhole shall be accomplished by installation of an external drop per ALRW sanitary details with modifications to the existing precast concrete manhole structure.

If there is not an existing sanitary manhole accessible to the proposed sanitary main, developer shall install a new precast concrete with external drop manhole feature per ALRW sanitary details.

If conditions warrant where for accessibility or safety concerns, individual property may tie into an existing sanitary manhole by installing an internal drop structure per ALRW sanitary details. Application for an Individual property internal drop connection will be reviewed by ALRW on a case-by-case basis.

**(C).** Specifications for Sanitary Sewers Mains and Laterals. Sewer Lateral installation shall comply with "Minimum Standards for Installation of New Building Lateral Sewers of the previous section.

(1). Materials. All materials used in the installation of new Sanitary Sewers mains and laterals shall meet the requirements of Ten States Standards, Chapter 30 and the following minimum requirements:

(a) SANITARY Pipe & fittings, Non-Pressure Rated, Gravity Sewer Pipe, ASTM D-3034, ASTM D1784 Cell Class 12454/12364, Gaskets per ASTM F477, Joints per ASTM D3213, SDR-35 (PS 46), green color pipe, gasket joint, six (6) inch diameter for sanitary sewer lateral and diameter as specified for sewer main. Nominal Laying Length: 14 and/or 20 foot lengths and be brand new.

(2). Alignment. Sewers shall be laid with a straight alignment between manholes and shall be checked by either a laser beam. No bends shall be installed in sanitary sewer mains.

(3). Slope. All sewers shall be designed per Ten States Standards and constructed to give mean velocities when flowing full of not less than 2.0 feet per second. All pipe sections shall be checked with bubble level, laser level or level and grade rod.

(4). Depth. Sanitary Sewers shall be installed to a sufficient depth to allow a gravity flow of Sewage from basement floor drains.

(5). Size. No new Sanitary Sewer installed in the City shall be less than eight (8) inches in diameter. Larger diameter pipe may be required for the installation servicing a large area, if determined by Avon Lake Regional Water. Larger diameter sewer pipe (oversized) to cheat slope cannot be used.

(6). Trenching. Trenching shall be witnessed by an inspector for Avon Lake Regional Water.

(7). Bedding. Bedding shall be witnessed by an inspector for Avon Lake Regional Water.



(8). Deflection Testing. Deflection Testing shall be witnessed by an inspector for Avon Lake Regional Water.

**(D). Building Connections**. Building Connections materials and installation shall meet the following minimum requirements:

(1). At the time of the sewer installation, wye branches shall be installed for all serviced properties and the building lateral extended to a distance of ten (10) feet beyond the right-of-way. The wye shall be installed at the highest point possible on the side of the sewer and the lateral extended at a minimum of a 1% grade. If the lateral is terminated below grade, it must be capped with an acceptable watertight plug.

**(E). Flow to Existing Sewer System**. To prevent the inflow of non-sanitary waste into the existing Sanitary Sewer, any connection between the existing sewer and any new sewer installation shall be plugged until such time as the new sewer has been tested and approved by ALRW and accepted by the City. If the contractor should wish to have the sewer approved and accepted in a step arrangement, those sections not approved and accepted shall be plugged, but at no time shall any flow be allowed in the existing Sanitary Sewer system from a new sewer that has not been approved and accepted.

**(F). Testing New Sanitary Sewer**. After all pipe, manholes and fittings have been connected in place, they shall be tested as follows:

(1). Under a low pressure air test and a water exfiltration test. The low pressure air test per procedures of ASTM F1417-92 or latest revision. The pipe shall hold 3.5 psig air pressure for a period of five (5) minutes minimum. For the water exfiltration test, water shall be filled to a minimum of two (2) feet below the top of the upstream manhole, a maximum distance of nine-hundred (900) feet per tested section. The exfiltration will be measured by determining the amount of water required to maintain the initial water elevation for a period of four (4) hours from the start of the test. The filled manholes shall be allowed to set and stabilize for a minimum of four (4) hours prior to starting the test. Additional water shall be metered by an approved means as determined by ALRW. The maximum allowable leakage outward (exfiltration) shall not exceed one-hundred (100) gallons per inch of pipe diameter per mile of pipe per twenty-four (24) hours. Test water shall not be allowed to drain into the sanitary sewer system, but pumped by mechanical means to a storm sewer inlet or manhole. Test water may be obtained from the flushing of the new water main.

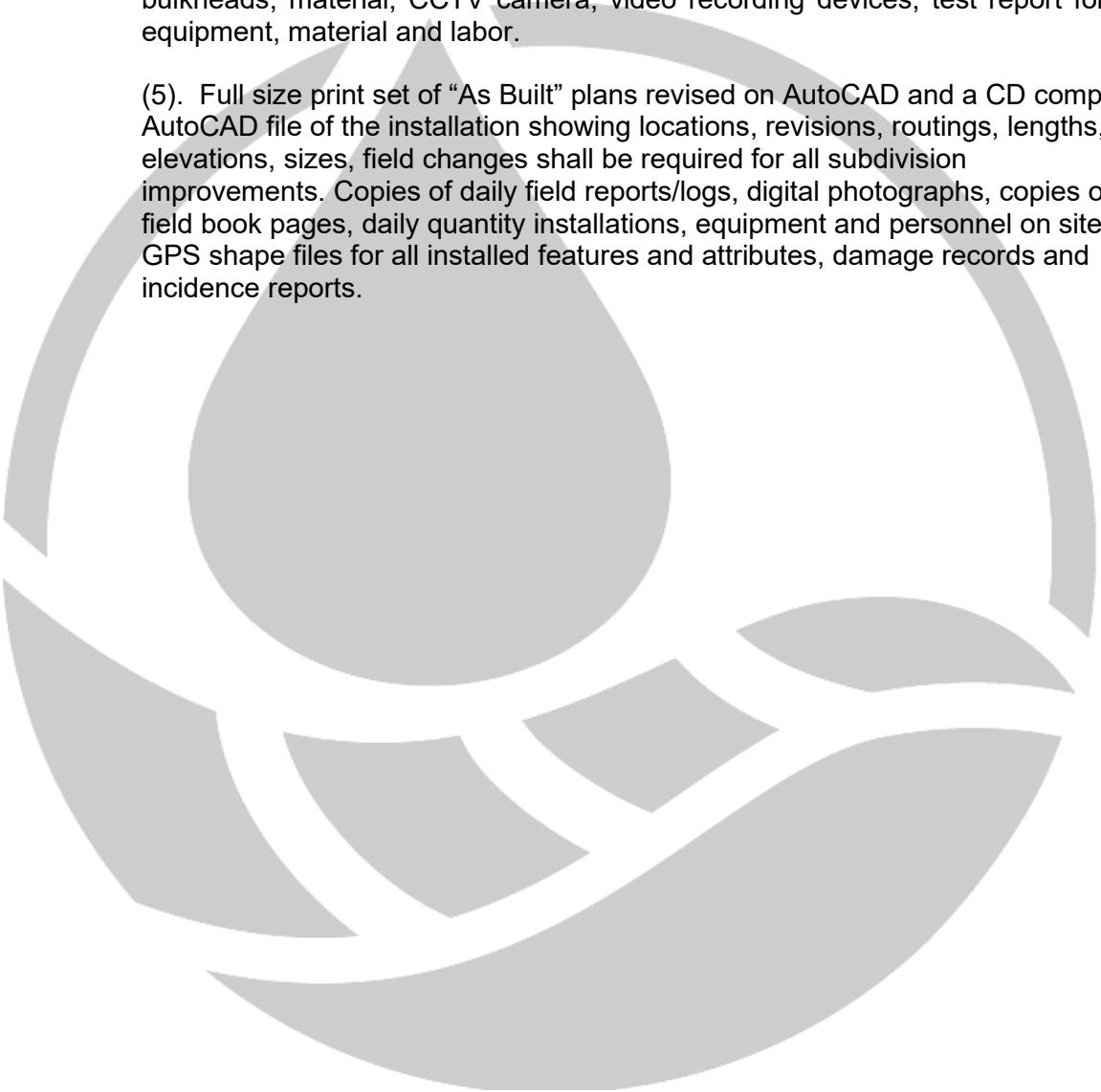
(2). Sanitary sewer and manholes shall be cleaned prior to mandrel test and flushed with a sewer jet prior to being televised. The camera shall be a pan-n-tilt type and televising shall include viewing up all house laterals with audio narrative. Maximum travel speed shall not exceed thirty (30) feet in one (1) minute.

(3). The required mandrel (cage) sized with ring gage for eight inch (8") sanitary sewer deflection test shall be 7.28 inches, with maximum allowable of five-percent (5%) deflection (ovality) in new sanitary sewers cross-sectional area per ASTM

standards and Recommended Standards for Wastewater Facilities, section 33.85(c) for an 8 inch PVC, ASTM D-3034, SDR 35. Perform deflection testing not less than thirty (30) days after final backfill has been placed and compacted.

(4). All testing shall be made in the presence of an ALRW representative and shall be continued until the acceptability of the installed piping has been demonstrated to ALRW's satisfaction. The contractor shall furnish all necessary pumps, gauges, bulkheads, material, CCTV camera, video recording devices, test report forms, equipment, material and labor.

(5). Full size print set of "As Built" plans revised on AutoCAD and a CD computer AutoCAD file of the installation showing locations, revisions, routings, lengths, elevations, sizes, field changes shall be required for all subdivision improvements. Copies of daily field reports/logs, digital photographs, copies of field book pages, daily quantity installations, equipment and personnel on site, GPS shape files for all installed features and attributes, damage records and incidence reports.



## SCHEDULE G

### RATES

(Effective 1/1/2023)

#### I. Water Rates

First 50,000 gallons	@ \$2.08 per thousand gallons
Next 200,000 gallons	@ \$1.71 per thousand gallons
Next 250,000 gallons	@ \$1.42 per thousand gallons
Minimum Service Charge = \$6.38 and includes first 2,000 gallons usage	

#### Water Outside Corporation Limits

All water sold outside the corporation limits of Avon Lake shall be charged according to the rate schedules above, plus 10%.

#### II. Wastewater Rates

\$23.00 Minimum Service Charge\* per Bill + \$7.30 per 1,000 gallons

\*Minimum Service Charge includes first 2,000 gallons of usage

**SCHEDULE H**

**IMPACT FEE CHARGES**

(Revised 1/17/2023)

\*Fees shall be updated annually according with the Cleveland Construction Cost Index.

Trunk Sanitary Sewer Fee (Residential)	\$2,266.00
Trunk Sanitary Sewer Fee (Industrial/Commercial) (price reflects "per square foot" cost)	\$0.1512
8" Sanitary Sewer Front Foot Charge (price reflects "per front foot" cost)	\$79.72
Water Impact Fee	\$2,733.00
Water Main Front Foot Charge (price reflects "per square foot" cost)	\$0.7671
CALDP Tap In Fee	\$11,952.65

## SCHEDULE I

### CHARGES / FINES / PENALTIES

#### I. Water Turn-On Charges

(Revised 03/16/2021)

##### Turn-On for Violations

Water Service that has been turned off for a violation of any rule or regulation herein shall not be turned back on until such time as the violation has been corrected and all charges have been paid. In addition, any service turned off for a violation of these Regulations shall be subject to a turn-on charge, payable before reinstatement of service, in accordance with the following:

##### Turn-On Charges

8:00 am – 4:30 pm = \$50.00

4:30 pm – 8:30 pm \* = \$65.00

Non-working hours & Weekends = \$90.00

\*On shut-off day

#### II. Laboratory Analyses Charges

(Revised 03/16/2021)

\* Charges shall be updated annually according to Avon Lake Regional Water supply bidding and current labor rates.

Bacteria (MUG)	\$22.00
Bacteria (New Line)	See Schedule C
Fecal Coliform	\$22.00
Beach/Well Samples	\$26.00
Total Phosphorus	\$22.00
Ammonia Nitrate	\$22.00

Cyanide (Total)	\$46.00
Cyanide (Free)	\$46.00
Oil & Grease	\$91.00
Suspended Solids	\$22.00
Metal (Stand. 10 Metal Analysis)	\$195.00
Metals (Lead & Copper)	\$39.00
Metals (Single)	\$19.00
Nitrate Nitrogen	\$35.00

### III. Copy Charges

(Revised 03/16/2021)

0-9 Copies	No Charge
10 and more copies (Black & White)	\$0.10 per copy
10 and more copies (Color)	\$0.25 per copy
E-Mail copies	No Charge
Copies downloaded to disc (per disc price)	\$10.00

### IV. Backflow Inspection Penalties

(Adopted 1/2/19)

Should a properly completed backflow inspection report not be submitted on the appropriate form by the due date, the account with the backflow prevention device shall be subject to a penalty of \$50.00.

## SCHEDULE J

### EXISTING SERVICES DEMOLITION PERMIT

(Adopted 5/5/08)

**I. Demolition of Existing Structures.** At the time of demolition of any existing structure which has water or sanitary service, a demolition permit shall have been issued by ALRW. Additionally, ALRW shall be given the opportunity to ensure proper abandonment of the existing water and sanitary service connections to said existing structure.

For the sanitary lateral, the pipe must be exposed and the open end properly sealed by the property owner and inspected by ALRW. The sanitary lateral must be abandoned at a location such that the remaining pipe does not contribute storm water infiltration or inflow to the sanitary sewer. If video inspection by ALRW discovers storm water drainage from the lateral, the property owner shall be notified in writing that should the storm water infiltration not be corrected within 30 days of notice, then a \$200.00 per day fine shall be imposed against the property owner until the drainage is corrected to the satisfaction of ALRW.

For the water service pipe, the person to whom the demolition permit was issued shall notify ALRW prior to the start of work to request that the water service be turned off and the meter removed. If any portion of the pipe line on the property is anticipated to be reused in the future, then all open ends of the water service must be properly sealed, to the satisfaction of ALRW, to prevent contamination of the water line.

Any person who or entity which demolishes or causes the demolition of an existing structure which has water or sanitary service without securing a demolition permit from ALRW shall subject the person or entity to a \$1000.00 fine.

#### **II. Demolition Permit Fee**

Existing services demolition permits are subject to a fee of \$420.00.

Should TV inspection determine continued Infiltration and Inflow requiring additional work, all additional time shall be billed at Avon Lake Regional Water's established hourly rate.

## SCHEDULE K

### COMPETITIVE BIDDING SCHEDULE

#### I. Advertisement Requirements

A. ALRW shall advertise bidding information in the following sources:

1. Newspaper of general circulation
2. Bid Express
3. ALRW website

B. In addition, ALRW may advertise bidding information in the following sources:

1. Trade papers or other publications
2. City of Avon Lake website

The advertisement shall not be for less than two nor more than four consecutive weeks in a newspaper of general circulation within the city or as provided in section 7.16 of the Revised Code.

#### II. Bid Requirements

A. Design Build Contracts

1. Interested Design-Build Firms should submit a Statement of Qualifications, which shall be evaluated and ranked by ALRW. For selected firms, ALRW shall issue an invitation to bid containing:

- a) The partial plans and specifications for the improvement;
- b) An estimated project schedule;
- c) A description of design services to be provided;
- d) A description of pre and post construction services to be provided;
- e) A description of construction services to be provided on a full and/or part time basis;
- f) A form of design-build contract; and
- g) The total contract price and the portions of the total contract price for design, preconstruction and construction services.



2. Design-Build Bids must include:

- a) A list of key personnel, consultants and subcontractors for the improvement and a detailed staffing chart;
- b) Design concepts for completing the partial plans and specifications;
- c) A preliminary design and construction schedule;
- d) The total contract price and portions of the total contract price for design, preconstruction and construction services.

