

AVON LAKE REGIONAL WATER REGULATIONS

ADOPTED BY THE
BOARD OF MUNICIPAL UTILITIES
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TABLE OF CONTENTS

	<u>PAGE</u>
TITLE I - ADMINISTRATIVE.....	1
CHAPTER 1 - POWER AND AUTHORITY OF THE BOARD	1
Section 1.01 Power and Authority of the Board	1
Section 1.02 The Board's Responsibilities	1
Section 1.03 Authority to Enter into Contracts	1
Section 1.04 Regulations.....	1
Section 1.05 Authority for the Regulations	1
Section 1.06 Purposes of these Regulations	2
Section 1.07 Further Information	2
CHAPTER 2 - DEFINITIONS	1
Section 2.01 Act or the Clean Water Act.....	1
Section 2.02 Administrative Fee	1
Section 2.03 Air Gap Separation	1
Section 2.04 ANSI	1
Section 2.05 Avon Lake Water System.....	1
Section 2.06 AWWA.....	1
Section 2.07 Backflow	1
Section 2.08 Backflow Prevention Device.....	1
Section 2.09 Best Management Practices.....	1
Section 2.10 Billable Water Consumption.....	1
Section 2.11 Biochemical Oxygen Demand or BOD	2
Section 2.12 Board.....	2
Section 2.13 Building Drain	2
Section 2.14 Building Sewer.....	2
Section 2.15 Bypass.....	2
Section 2.16 Water Pollution Control Center and Sewer System Operating Fund.....	2
Section 2.17 CFR	2
Section 2.18 Chemical Oxygen Demand or COD	2
Section 2.19 Clerk.....	2
Section 2.20 Combined Sewer	2
Section 2.21 Compatible Pollutants	2
Section 2.22 Consumer	3
Section 2.23 Consumer's Water System	3
Section 2.24 Consumption Charge	3
Section 2.25 Contamination.....	3
Section 2.26 Cooling Water	3
Section 2.27 Cross-connection.....	3
Section 2.28 CUE.....	4
Section 2.29 CUO	4
Section 2.30 Daily Maximum	4
Section 2.31 Degree of Hazard	4
Section 2.32 Discharge Permit	4

Section 2.33	Double Check Valve Assembly	4
Section 2.34	Environmental Protection Agency or EPA	4
Section 2.35	Excess Pounds	4
Section 2.36	Garbage.....	5
Section 2.37	Grab Sample.....	5
Section 2.38	Health Hazard.....	5
Section 2.39	Indirect Discharge.....	5
Section 2.40	Industrial Surcharge.....	5
Section 2.41	Industrial User or User	5
Section 2.42	Industrial Waste	5
Section 2.43	Interchangeable Connection	5
Section 2.44	Interference	5
Section 2.45	Monthly Average.....	6
Section 2.46	Municipality or City.....	6
Section 2.47	National Categorical Pretreatment Standards or Categorical Pretreatment Standards	6
Section 2.48	National Pollution Discharge Elimination System Permit or NPDES Permit.....	6
Section 2.49	Normal Strength Domestic Sewage	6
Section 2.50	Operation and Maintenance	6
Section 2.51	Operator	6
Section 2.52	Owner.....	6
Section 2.53	Pass-through	6
Section 2.54	Person	6
Section 2.55	pH.....	6
Section 2.56	Pollutant.....	7
Section 2.57	Pollution.....	7
Section 2.58	Pollution Hazard	7
Section 2.59	POTW.....	7
Section 2.60	Potable Water	7
Section 2.61	Pretreatment.....	7
Section 2.62	Pretreatment Requirements	7
Section 2.63	Pretreatment Standard.....	7
Section 2.64	Process Fluids	7
Section 2.65	Public Records.....	8
Section 2.66	Public Sanitary and Combined Sewer System	8
Section 2.67	Public Sewers or Public Sewage System.....	8
Section 2.68	Public Water System.....	8
Section 2.69	Reduced Pressure Principle Backflow Prevention Device	8
Section 2.70	Replacement.....	8
Section 2.71	Sanitary Sewage.....	8
Section 2.72	Sanitary Sewer	8
Section 2.73	Service Connection.....	8
Section 2.74	Sewage.....	8
Section 2.75	Sewage Treatment System.....	8
Section 2.76	Sewer Service Charge	9
Section 2.77	Shall	9
Section 2.78	Significant Industrial Use	9
Section 2.79	Sludge	9
Section 2.80	Slug	9

Section 2.81	Standard Methods	9
Section 2.82	State	9
Section 2.83	Storm Sewer	9
Section 2.84	Storm Water.....	10
Section 2.85	Suspended Solids	10
Section 2.86	System Hazard	10
Section 2.87	Toxic.....	10
Section 2.88	Unimproved Land or Unimproved Real Property.....	10
Section 2.89	Upset.....	10
Section 2.90	User Charge System (sanitary).....	10
Section 2.91	User Class (sanitary)	10
Section 2.92	Used Water.....	11
Section 2.93	U.S.C.....	11
Section 2.94	Wastewater.....	11
Section 2.95	Water Pollution Control Center or WPCC.....	11
Section 2.96	Water Purveyor	11
Section 2.97	Weekly Average.....	11
CHAPTER 3 - PUBLIC RECORDS.....		1
Section 3.01	Public Records Requests.....	1
Section 3.02	Destruction of Public Records.....	1
CHAPTER 4 - GENERAL		1
Section 4.01	Avon Lake Regional Water Offices	1
Section 4.02	Water Supply and Pressure	1
Section 4.03	Compensation for Damages	1
Section 4.04	Repairs to Land Only	1
Section 4.05	Entrance to Premises.....	1
Section 4.06	Reserve Supply	1
Section 4.07	Interruption of Service.....	1
Section 4.08	Operation of Water System.....	2
Section 4.09	Turn-On Charges.....	2
Section 4.10	Pumping on Private Premises.....	2
Section 4.11	Demolition of Existing Structures	2
Section 4.12	No Guarantee of Pressure	2
Section 4.13	Water Quality Standards.....	2
Section 4.14	Validity.....	2
Section 4.15	Gifts.....	3
TITLE II - WATER SYSTEM		1
CHAPTER 1 - WATER USE		1
Section 1.01	Application for Service	1
Section 1.02	Applicants to Agree to Regulation.....	1
Section 1.03	Public Water Supply.....	1
Section 1.04	Defraying of Expenses.....	1
Section 1.05	Connecting to the Public Water Supply	1
Section 1.06	Pool Filling.....	1

Section 1.07	Tampering with the Water System	1
Section 1.08	Pollution of Public Water Supply	1
Section 1.09	Connecting to Other Water Supplies	2
Section 1.10	Operation of Fire Hydrants	2
Section 1.11	Access to Fire Hydrants	2
Section 1.12	Use of Privately Owned Fire Hydrants	2
Section 1.13	Cross Connections.....	2
Section 1.14	Service Line Changes.....	3
Section 1.15	Entrance to Premises.....	3
Section 1.16	Repairs to Service Lines	3
Section 1.17	Temporary Service.....	3
Section 1.18	Vacancy.....	3
Section 1.19	In-Ground Sprinkler System.....	3

CHAPTER 2 - WATER RATES AND CHARGES 1

Section 2.01	Basis of Water Charges	1
Section 2.02	Water Turn-On Charges	1
Section 2.03	Water to be Metered	1
Section 2.04	Meter Rates	1
Section 2.05	Minimum Rates.....	1
Section 2.06	Water Outside Corporation Limits	1
Section 2.07	Billing Periods	1
Section 2.08	Notification of Charges.....	1
Section 2.09	Payment and Penalties	1
Section 2.10	Third Party Payment Processor	1
Section 2.11	Property Owner/Tenant Agreement	2
Section 2.12	Charges Paid in the Order Contracted	2
Section 2.13	Charges Based on Water Meter Readings.....	2
Section 2.14	Adjustment of Bills	2
Section 2.15	Reporting Excessive Bills.....	2
Section 2.16	Deduction for Fire Protection	2
Section 2.17	Estimated Bills	2
Section 2.18	Final Bill	3
Section 2.19	Summer Billing Adjustment	3
Section 2.20	New Line Charge	3
Section 2.21	Water Impact Fee	3

CHAPTER 3 - TAPS AND SERVICE CONNECTIONS..... 1

Section 3.01	Application for Tap and Service Connection	1
Section 3.02	Taps and Service on Existing Mains	1
Section 3.03	Taps and Services on New Main Installations	1
Section 3.04	Meter Vault Location	2
Section 3.05	Radio Read Meters.....	2
Section 3.06	Payment for Taps and Services	2
Section 3.07	Damage to Taps and Service Connections	2
Section 3.08	Minimum Frontage for Service	2
Section 3.09	Multiple Services.....	2
Section 3.10	Connection to Service Line	3

CHAPTER 4 - METERS.....	1
Section 4.01	All Services to be Metered 1
Section 4.02	Ownership of Meters..... 1
Section 4.03	Installation of Meters..... 1
Section 4.04	Removal of Meters..... 1
Section 4.05	Meter Testing..... 1
Section 4.06	Remote Vault Meter Conduit Installation or Damage..... 1
CHAPTER 5 - WATER MAIN EXTENSIONS.....	1
Section 5.01	Submittal of Plans..... 1
Section 5.02	Minimum Size of Main..... 1
Section 5.03	Minimum Standards..... 1
Section 5.04	Pipe 1
Section 5.05	Fittings and Valves 1
Section 5.06	Fire Hydrants 1
Section 5.07	Location 2
Section 5.08	Installation 2
Section 5.09	Service Connections..... 2
Section 5.10	Water Line Inspection Fee 2
Section 5.11	Tap Charges..... 2
Section 5.12	Water for Construction 2
Section 5.13	Testing..... 3
Section 5.14	Disinfecting Water Lines 3
Section 5.15	Guarantee on New Water Mains 3
CHAPTER 6 - CROSS CONNECTION CONTROL.....	1
Section 6.01	Prohibited Connections..... 1
Section 6.02	Surveys and Investigations 1
Section 6.03	Where Backflow Protection is Required 1
Section 6.04	Type of Protection Required 2
Section 6.05	Backflow Prevention Devices..... 3
Section 6.06	Installation 4
Section 6.07	Inspection and Maintenance 4
Section 6.08	Booster Pumps 5
Section 6.09	Backflow Testing_Falsification 5
Section 6.10	Water-Powered Sump Pumps.....6
TITLE III - SEWERS.....	1
CHAPTER 1 - ASSESSMENT AND COLLECTION OF SEWER SERVICE CHARGE	1
Section 1.01	Basis of Sewer Service Charge 1
Section 1.02	Sewer Service Charge 1
Section 1.03	Alternate Billing..... 1
Section 1.04	Billing Period..... 2
Section 1.05	Obligation of Property Owner 2
Section 1.06	Penalties..... 3
Section 1.07	New Line Charges 3

CHAPTER 2 - BUILDING SEWERS AND CONNECTIONS 1

Section 2.01	Authorization.....	1
Section 2.02	Inspection Permit and Fee	1
Section 2.03	Owner's Responsibility.....	1
Section 2.04	Separate Sewers	1
Section 2.05	Existing Building Sewers.....	1
Section 2.06	New Building Sewers	1
Section 2.07	Connecting to a Combined Sewer.....	1
Section 2.08	Sewer Size and Material	2
Section 2.09	Excavation and Backfill	2
Section 2.10	Proper Grade and Elevations.....	2
Section 2.11	Connection to Main Sewer	2
Section 2.12	Inspection	3
Section 2.13	Restoration of Public Property	3
Section 2.14	Downspout/Clean Water Connection Removal from Sanitary Sewers.....	3
Section 2.15	Foundation Drain	3

CHAPTER 3 - SANITARY SEWER CONSTRUCTION 1

Section 3.01	Submittal of Plans.....	1
Section 3.02	Testing New Sanitary Sewers	1
Section 3.03	Slope	1
Section 3.04	Depth.....	1
Section 3.05	Alignment.....	1
Section 3.06	Location of Manholes.....	1
Section 3.07	Installation	1
Section 3.08	Location Information	2
Section 3.09	Materials	2
Section 3.10	Sanitary Sewer Pipe and Connections.....	2
Section 3.11	Manholes	2
Section 3.12	Flow to Existing Sewer System	3
Section 3.13	Guarantee on New Sewers	3

CHAPTER 4 - TRUNK SANITARY SEWER CONSTRUCTION..... 1

Section 4.01	Capacity Fee Charge on Unimproved Land	1
Section 4.02	Capacity Fee Charges on Construction.....	1
Section 4.03	Determination of Fee Charges	1
Section 4.04	Fee Charge Payment.....	2
Section 4.05	Additional Trunk Sanitary Sewer Charges.....	2

TITLE IV - DISCHARGE PERMITS 1

CHAPTER 1 - PROHIBITED DISCHARGES 1

Section 1.01	General Discharge Prohibitions	1
Section 1.02	Specific Discharge Prohibitions.....	2
Section 1.03	Interceptors.....	3
Section 1.04	Enforcement	3

Section 1.05	Specific Pollutant Limitations	4
Section 1.06	National Categorical Pretreatment Standards	4
Section 1.07	State Requirements	5
Section 1.08	Right of Revision.....	5
Section 1.09	Dilution.....	5
Section 1.10	Prevention of Accidental Discharges.....	5
Section 1.11	Operating Upsets.....	6
CHAPTER 2 - PERMIT ADMINISTRATION		1
Section 2.01	Industrial Pretreatment Permit Requirements.....	1
Section 2.02	Permit Application.....	1
Section 2.03	Pretreatment Permit Contents.....	3
Section 2.04	Permit Issuance Process	4
Section 2.05	Significant Industrial User ("SIU").....	6
CHAPTER 3 - STANDARD CONDITIONS FOR DISCHARGE PERMITS		1
Section 3.01	General Conditions	1
Section 3.02	Certification Requirements.....	2
Section 3.03	Signatures on Applications and Reports	2
Section 3.04	Operation and Maintenance of Pollution Controls	3
Section 3.05	Monitoring and Records.....	4
Section 3.06	Additional Reporting Requirements.....	6
TITLE V - ENFORCEMENT.....		1
CHAPTER 1 - PENALTIES AND DEFENSE		1
Section 1.01	Judicial Remedies.....	1
Section 1.02	Injunctive Relief	1
Section 1.03	Civil Penalties	1
Section 1.04	Criminal Penalties	1
Section 1.05	No Waiver.....	2
Section 1.06	Affirmative Defenses.....	2
Section 1.07	Notification of Violation	3
Section 1.08	Show Cause Hearing	4
Section 1.09	Consent Orders	4
Section 1.10	Compliance Orders.....	4
Section 1.11	Cease and Desist Orders.....	5
Section 1.12	Emergency Suspensions	5
Section 1.13	Termination of Service	6
Section 1.14	Annual Publication of Significant Violations.....	6
CHAPTER 2 - AMNESTY POLICY		1
Section 2.01	Amnesty Program for In-ground Lawn Sprinkling Systems.....	1
Section 2.02	Amnesty Program for Delinquent Accounts.....	1
Section 2.03	Other Amnesty Programs.....	1
CHAPTER 3 - COLLECTION ACTIONS.....		1

Section 3.01	Collection of Charges.....	1
Section 3.02	Notice Required	1
Section 3.03	Remedies Non-Exclusive	1
TITLE VI - FINANCIAL MANAGEMENT.....		1
CHAPTER 1 - FINANCIAL MANAGEMENT.....		1
Section 1.01	Separate Funds	1
Section 1.02	Fund Transfers	6
Section 1.03	Budget Submittal And Rate Review	6
Section 1.04	Accounting System	6
Section 1.05	Investment of Deposits	6
Section 1.06	Transfers of Deposits.....	7
Section 1.07	Recordkeeping of Deposits	7
TITLE VII - CONSTRUCTION CONTRACTS.....		1
CHAPTER 1 - COMPETITIVE BIDDING.....		1
Section 1.01	Generally	1
Section 1.02	Advertising for Bids.....	1
Section 1.03	Procedure for Awarding Bids	2
CHAPTER 2 - DESIGN-BUILD CONTRACTS.....		1
Section 2.01	Generally	1
Section 2.02	Advertising for Bids.....	1
Section 2.03	Procedure for Awarding Bids	2
CHAPTER 3 – CONSTRUCTION MANAGER AT RISK.....		1
Section 3.01	Generally.....	1
Section 3.02	Advertising for Qualifying Proposals.....	1
Section 3.03	Procedure for Pricing Proposals.....	2

SCHEDULES:

Schedule	Title	Cross-Reference
A	Water Turn-on Charges	Title II, Section 2.02
B	Water Meter Rates	Title II, Section 2.03
C	New Line Testing Fee Schedule	Title II, Section 3.03
D	Fee Schedule for Damage to Taps and Service Connections	Title II, Section 3.07
E	Meter Testing Fees	Title II, Section 4.05
F	Water Line Inspection Fee	Title II, Section 5.10
G	Tap Charges	Title II, Section 5.11
H	Sewer Service Charges	Title III, Section 1.02
I	Laboratory Charges	Title II, Section 3.03
J	Copy Charges	Title II, Section 3.03
K	Capacity Fee Charges	Title III, Section 4.01
L	Existing Services Demolition Permit	Title II, Section 4.11
M	Foundation Drain Inspection Permits	Title III, Section 2.15

TITLE I - ADMINISTRATIVE

CHAPTER 1 - POWER AND AUTHORITY OF THE BOARD

Section 1.01 Power and Authority of the Board. Pursuant to Chapter IX, Section 45 of Avon Lake's Charter, the Avon Lake Board of Municipal Utilities has the responsibility to manage and operate the City's utilities, including but not limited to the Water Treatment Plant and Water Pollution Control Center, and their related distribution and collection systems along with all related appurtenances. 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.

Section 1.02 The Board's Responsibilities. Avon Lake Regional Water is responsible for providing drinking water to the residents of Avon Lake, Ohio ("City") and providing means for safely managing wastewater treatment. Specifically, Avon Lake Regional Water oversees all operations and maintenance of the Water Filtration Plant, the Water Pollution Control Center, and all their appurtenances and related functions needed for such operations. Avon Lake Regional Water is also responsible for the fiscal management of said operations.

Section 1.03 Authority to Enter into Contracts. Pursuant to Chapter IX, Section 51 of the City's Charter, together with Sections 743.07 and 735.29 of the Ohio Revised Code, the Board has the authority to enter into contracts on behalf of 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 Chief Utilities Executive 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.

Section 1.04 Regulations. Every person, company, or corporation who has water and/or sanitary sewage service to his or its premises, and every person, company, or corporation who has water and/or sanitary sewage 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.

Section 1.05 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.

Pursuant to Chapter IX, Section 50 of the City's Charter, a majority of the members elected to the Board of Municipal Utilities 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)

Section 1.06 Purposes of these Regulations. These Regulations have been enacted by the Board of Municipal Utilities (“Board”) to govern and regulate the safe use of the water treatment and wastewater systems within the City of Avon Lake.

Section 1.07 Further Information. further information, please address inquiries to the Chief of Utility Operations (“CUO”), Avon Lake Regional Water, 201 Miller Road, Avon Lake, Ohio 44012. Phone 440-933-6226 Fax 440-933-8842.

CHAPTER 2 - DEFINITIONS

As used in these Regulations, as amended by the Board from time to time, the following terms shall have the meanings (such meanings to be equally applicable to both the singular and plural forms of the terms defined) set forth below, which shall apply in the interpretation and enforcement of these Regulations:

Section 2.01 Act or the Clean Water Act shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended from time to time (33 U.S.C. §§ 1251, *et seq.*).

Section 2.02 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.

Section 2.03 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.

Section 2.04 ANSI means the American National Standards Institute.

Section 2.05 Avon Lake Water System means the public potable water supply system of Avon Lake, Ohio and all systems, facilities and appurtenances thereto.

Section 2.06 AWWA means the American Water Works Association.

Section 2.07 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.

Section 2.08 Backflow Prevention Device means any device, method, or type of construction intended to prevent backflow into a potable water system.

Section 2.09 Best Management Practices also known as (BMP) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 1.02 of Title IV. 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.

Section 2.10 Billable Water Consumption means the amount of potable water used during the applicable billing period at the premises, as measured through a City water meter, with the following exceptions:

1. The billable sewer consumption for an individual residential account shall be determined in accordance with Title II, Section 2.19.
2. The billable sewer consumption for other than an individual residential account shall be the amount of potable water consumed on the premises, unless the Owner or other interested party of the premises can demonstrate to the satisfaction of the CUE that a measurable portion of the water from all sources consumed on said premises cannot and does not enter the public sewage system.

3. In the event of a malfunctioning meter or other similar circumstance where a meter reading is not an accurate reflection of billable consumption, the CUE shall be permitted to estimate billable consumption based on consumption during a comparable period and other appropriate considerations.

If the Owner of the affected premise disagrees with the estimate of billable consumption under these circumstances, the Owner must present a clear and convincing basis for determining that the CUE's estimate is unreasonable and that a specified alternate estimate is appropriate. Otherwise, the CUE's estimate of billable consumption will be the basis of billing.

Section 2.11 Biochemical Oxygen Demand or BOD shall mean 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.

Section 2.12 Board shall mean the duly elected Board of Municipal Utilities of Avon Lake, Ohio.

Section 2.13 Building Drain shall mean that part of the lowest horizontal piping of a drainage system which 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 innerface of the building wall.

Section 2.14 Building Sewer shall mean extension from the building drain to the public sewer or place of disposal.

Section 2.15 Bypass means the intentional diversion of wastes from any portion of the wastewater treatment system.

Section 2.16 Water Pollution Control Center and Sewer System Operating Fund (also known as Sewer Fund) shall mean the general operating fund in which all sewer service charge revenue is deposited.

Section 2.17 CFR means Code of Federal Regulations as amended from time to time.

Section 2.18 Chemical Oxygen Demand or COD shall mean 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.

Section 2.19 Clerk mean Clerk of the Board of Municipal Utilities of Avon Lake, Ohio.

Section 2.20 Combined Sewer shall mean a sewer designed to carry sanitary sewage, storm water, or industrial wastes, or any combination of the three.

Section 2.21 Compatible Pollutants shall 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.

Section 2.22 Consumer means the owner or person in control of any premises supplied by, or in any manner connected to, a public water system.

Section 2.23 Consumer's Water System means any water system located on the consumer's premises which is supplied by, or in any manner connected to, a public 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.

Section 2.24 Consumption Charge (sanitary) means the charge assessed consumers to cover the following costs:

1. The cost of transporting and treating normal strength domestic sewage, including the operation and maintenance (including replacement) of the Water Pollution Control Center, the Public Sanitary and Combined Sewer System, and ancillary equipment and other appurtenances.
2. The repayment of any loans or bonded indebtedness, including principal, interest, and related fees, for improvements (including equipment) to the Water Pollution Control Center and the Public Sanitary and Combined Sewer System.
3. The contribution to the Sewer System Construction Subaccount Fund.
4. The contribution to the Sewer Debt Service Reserve Subaccount Fund.
5. The contribution to the Sewer Replacement Reserve Subaccount Fund.
6. Administrative costs, excepting those included in the Administrative Fee and the Industrial Surcharge.
7. Other costs reasonably necessary and appropriate for the efficient and proper operation, maintenance management, and administration of the Water Pollution Control Center and the Public Sanitary and Combined Sewer System.

Section 2.25 Contamination means an impairment of the quality of the water by sewage of process fluids or waste to a degree which could create an actual hazard to the public health through poisoning or through spread of disease by exposure.

Section 2.26 Cooling Water means:

1. Uncontaminated: Water used for cooling purposes only which has no direct contact with any raw material, intermediate, or final product and which does not contain a level of contaminants detectably higher than that of the intake water.
2. Contaminated: 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.

Section 2.27 Cross-connection means any arrangement whereby backflow can occur.

Section 2.28 CUE shall mean the Chief Utilities Executive, who is the authorized person appointed or employed by the Board having executive authority over the Avon Lake sanitary/combined sewer system and water system. Any and all references to the CUE shall include the CUE or his authorized deputy, agent, or representative.

Section 2.29 CUO shall mean 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 sanitary/combined sewer system and water system. Any and all references to the CUO shall include the CUO or his authorized deputy, agent, or representative.

Section 2.30 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.

Section 2.31 Degree of Hazard is a term derived from an evaluation of the potential risk to health and the adverse effect upon the potable water system.

Section 2.32 Discharge Permit shall be the consumer's or user's authorization to discharge to the sanitary sewers of the City as issued by the Chief of Utility Operations. The 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 of the particular user.

Section 2.33 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.

Section 2.34 Environmental Protection Agency or EPA shall mean the U.S. 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.

Section 2.35 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 the following manner:

$$E = \left(\frac{TC}{D} - MC \right) F \times D \times 8.34,$$

when:

E = Excess Pounds

TC = Total Concentration, i.e., the sum of the concentration for all days in the billing period in which the defined concentration for normal strength domestic sewage is exceeded

D = Number of days in the billing period that the concentration for a given wastewater constituent exceeds the maximum concentrations

MC= Maximum Concentration for a given wastewater constituent which is considered normal strength domestic sewage, and these concentrations are as follows:

BCD = 365 mg/1
COD = 725 mg/1
SS = 400 mg/1

F = Average Daily Billable Water Consumption for the Billing Period

Section 2.36 Garbage shall mean 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 municipality of Avon Lake.

Section 2.37 Grab Sample shall mean 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.

Section 2.38 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 wellbeing 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.

Section 2.39 Indirect Discharge shall mean the introduction of pollution 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).

Section 2.40 Industrial Surcharge means the charge assessed users who contribute waste which, by its strength or constituent pollutants is not considered normal domestic strength sewage and is an allowable discharge under Part I 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. The Industrial Surcharge shall also include an administrative charge that covers the billing, monitoring, sampling, analysis, and other non-treatment related expenses associated with the Industrial Surcharge.

Section 2.41 Industrial User or User shall mean a source of indirect discharge.

Section 2.42 Industrial Waste shall mean 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.

Section 2.43 Interchangeable Connection means an arrangement or device that will allow alternate, but not simultaneous, use of two sources of water.

Section 2.44 Interference shall mean a discharge which alone or in conjunction with a discharge or discharges from other sources, both:

1. inhibits or disrupts the WPCC treatment processes or operation or its sludge processes, use, or disposal; and

2. therefore is a cause of a violation of any of the requirements of the WPCC'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.

Section 2.45 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).

Section 2.46 Municipality or City shall mean Avon Lake, Ohio.

Section 2.47 National Categorical Pretreatment Standards or Categorical Pretreatment Standards shall mean any federal regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency 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.

Section 2.48 National Pollution Discharge Elimination System Permit or NPDES Permit means a permit issued to the WPCC pursuant to Section 402 of the Act (33 U.S.C. § 1342).

Section 2.49 Normal Strength Domestic Sewage as defined for the purpose of determining surcharge shall mean 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.

Section 2.50 Operation and Maintenance (and sometimes O&M) means the costs incurred in the act of keeping all water and sanitary facilities for distributing collecting, pumping, treating, and disposing in a good state of repair and functioning properly. Replacement is included within the definition of Operation and Maintenance.

Section 2.51 Operator means the person responsible for the overall operation of a facility.

Section 2.52 Owner means the person who owns a premises, building, or facility or a portion thereof.

Section 2.53 Pass-through shall mean the discharge of pollutants through the WPCC into navigable waters in quantities or concentrations which are a cause of or significantly contribute to a violation of any requirement of the WPCC's NPDES permit.

Section 2.54 Person shall mean any individual, firm, company, association, society, corporation, group, or a political subdivision, including any city or state.

Section 2.55 pH shall mean the logarithm of the reciprocal of the concentration of hydrogen ions in moles per liter of solution.

Section 2.56 Pollutant shall mean 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.

Section 2.57 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 which does not create an actual hazard to the public health, but which does adversely and unreasonably affect such waters for domestic use.

Section 2.58 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.

Section 2.59 POTW means the Public Owned Treatment Works of the City of Avon Lake, Ohio.

Section 2.60 Potable Water means water which is satisfactory for drinking, culinary, and domestic purposes and meets the requirements of the Ohio EPA.

Section 2.61 Pretreatment shall mean 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 WPCC.

Section 2.62 Pretreatment Requirements shall mean any substantive or procedural requirement related to pretreatment, other than a Categorical Pretreatment Standard, imposed on an industrial user.

Section 2.63 Pretreatment Standard shall mean National Categorical Pretreatment Standard or other federal, state, or local standards, whichever are applicable.

Section 2.64 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 or a potable consumer's water system. This includes, but is not limited to:

1. polluted or contaminated waters;
2. process waters;
3. used waters originating from the public water system which may have deteriorated in sanitary quality;
4. cooling waters;
5. contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
6. chemicals in solution or suspension;

7. oils, gases, acids, alkalis, and other liquid and gaseous fluids used in industrial or other processes, or for firefighting purposes.

Section 2.65 Public Records shall have the same definition as in Ohio Revised Code Section 149.43, as amended from time to time.

Section 2.66 Public Sanitary and Combined Sewer System means the system of sanitary and combined sewers owned by the City of Avon Lake, including pump stations, overflows and other appurtenances. It does not include the system of storm sewers owned by the City.

Section 2.67 Public Sewers or Public Sewage System shall include all sewers which are controlled by the Board.

Section 2.68 Public Water System means any publicly or privately owned potable water system subject to Chapters 6111 and 6109 of the Ohio Revised Code.

Section 2.69 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.

Section 2.70 Replacement means the expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works are designed and constructed.

Section 2.71 Sanitary Sewage shall mean 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.

Section 2.72 Sanitary Sewer shall mean a sewer which carries sewage and industrial waste and to which storm, surface, and groundwaters are not intentionally admitted.

Section 2.73 Service Connection means the terminal end of a service line from the public 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.

Section 2.74 Sewage shall mean a combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, together with such surface and ground water as may be present.

Section 2.75 Sewage Treatment System means the Public Sanitary and Combined Sewer System, pump stations, Water Pollution Control Center, including sludge disposal, and all appurtenances thereto.

Section 2.76 Sewer Service Charge means those wastewater charges identified in Chapter 1 of Title III.

Section 2.77 Shall is mandatory; may is permissible.

Section 2.78 Significant Industrial Use (“SIU”) means:

1. All discharges subject to Categorical Pretreatment Standards under 40 CFR Chapter I, Subchapter N; and
2. All noncategorical dischargers that,
 - a. in the opinion of the Board, have a reasonable potential to adversely affect the POTW’s operation;
 - b. 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
 - c. that contribute a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW.
3. However, the Board need not designate as significant any noncategorical Industrial User that, in the opinion of the Chief Utilities Executive, has no potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement. 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 POTW’s operation or violating any pretreatment standard or requirement.

Section 2.79 Sludge shall mean 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).

Section 2.80 Slug or Slug Discharge shall mean 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 the POTW’s regulations, local limits or permit conditions.

Section 2.81 Standard Methods shall mean the current edition of *Standard Methods for the Examination of Water and Wastewater* as published by the American Public Health Association, American Water Works Association, and Water Pollution Control Federation.

Section 2.82 State means the State of Ohio and any of its employees or representatives.

Section 2.83 Storm Sewer shall mean a sewer that carries storm, surface, and groundwater drainage, but excludes sewage and industrial wastes.

Section 2.84 Storm Water shall mean 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.

Section 2.85 Suspended Solids shall mean solids that either float on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in Standard Methods.

Section 2.86 System Hazard means a condition posing an actual or potential threat of damage to the physical properties of the public water system or a potable consumer's water system.

Section 2.87 Toxic pollutant shall mean any pollutant or combination of pollutants which is or can potentially be harmful to public health or the environment including those listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of the Act.

Section 2.88 Unimproved Land or Unimproved Real Property for these regulations means property that does not have or need running water and/or wastewater services.

Section 2.89 Upset shall mean 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.

Section 2.90 User Charge System (sanitary) means the system of charges assessed consumers of the system to cover the consumer's proportionate share of the cost of operating and maintaining the sewage treatment system, including replacement. The User Charge System includes revenues generated by the Administrative Fee, Operation, Maintenance, and Replacement Increment of the Consumption Charge, the Industrial Surcharge Fee, and Industrial Surcharge Rate.

Section 2.91 User Class (sanitary) means the division of consumers or users of the sewage system by waste characteristics. For the purpose of user charges, the classes of users are as follows:

1. Non-Industrial Users. Any user of the treatment works who contributes primarily segregated domestic wastes or wastes from sanitary conveniences and shall include the commercial, institutional/governmental, and residential user classes.

a. Residential User. This class of users consists of households including both single and multi-family dwellings.

b. Commercial User. This class of users consists of business establishments that contribute wastes that are equivalent of normal strength domestic sewage. Users in this class include, but are not necessarily limited to, retail stores, banks, office buildings, hotels, restaurants, warehouses, service stations, and dry process industrial establishments.

c. Governmental/Institutional. This class of users includes all governmental facilities, such as office buildings, police and fire stations, and municipal utility and service facilities. It also includes schools, both public and private, and community facilities such as churches, and recreational and social facilities.

2. Industrial User. A special class of users who generally contribute waterborne trade or process wastes. Users in this class are likely to have wastes which, either by their constituent pollutants or by their concentration, place demands on the treatment system in excess of those presented by Normal Strength Domestic Sewage. Such wastes will be assessed a surcharge to cover the additional treatment and other costs.

Section 2.92 Used Water means any water supplied by a water purveyor from a public water system to a consumer's water system after it has passed through the service connection and is no longer under the control of the water purveyor.

Section 2.93 U.S.C. means the United States Code as amended from time to time.

Section 2.94 Wastewater shall mean the liquid and water-carried or domestic wastes from dwellings, 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 WPCC.

Section 2.95 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.

Section 2.96 Water Purveyor means Avon Lake Regional Water.

Section 2.97 Weekly Average means the arithmetic mean of the values for effluent samples collected over a period of seven consecutive days.

CHAPTER 3 - PUBLIC RECORDS

Section 3.01 Public Records Requests. If any person desires to request copies of any documents from Avon Lake Regional Water pursuant to Chapter 149 of the Ohio Revised Code, 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 Ohio Revised Code, 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. Avon Lake Regional Water shall make copies of the requested Public Records available at cost in accordance with Schedule K, and within a reasonable period of time. Additionally:

In no event shall any person have the right to review any document which 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.

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.

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 Ohio Revised Code.

Section 3.02 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 Ohio Revised Code. 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.

CHAPTER 4 - GENERAL

Section 4.01 Avon Lake Regional Water Offices. Applications, calls for service, and payment of charges shall be made at the office of Avon Lake Regional Water at the following location. 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

Section 4.02 Water Supply and Pressure. Avon Lake Regional Water will endeavor to maintain a continuous supply of water under full pressure. When emergency or accident occasion need for temporary interruption, there will be an attempt made to notify consumers of such interruption.

Section 4.03 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.

Section 4.04 Repairs to Land Only. The Board recognizes that, from time to time, 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.

Section 4.05 Entrance to Premises. The CUE, or any other 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 which 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 CUE or any other duly authorized employee of Avon Lake Regional Water is denied entry upon any property during a reasonable time, services to said property shall be discontinued until such time that the request has been complied with to the satisfaction of the CUE.

Section 4.06 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.

Section 4.07 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.

Section 4.08 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.

Section 4.09 Turn-On Charges. The water supply turn-on charges shall be as set forth on **Schedule A** attached hereto, as established by the Board, from time to time.

Section 4.10 Pumping on Private Premises. All pumps or other devices for the purpose of increasing the volume of flow and/or pressure of water supplied by Avon Lake Regional Water in a private water system shall be reported to and approved by the CUE. Any installation found to be causing excessive fluctuations in flow and/or pressure shall be modified to an acceptable degree.

Section 4.11 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 Avon Lake Regional Water. Additionally, the Chief of Utility Operations shall be given the opportunity to ensure proper abandonment of the existing water and sanitary service connections to said existing structure. Cost for the demolition permit shall be as shown in **Schedule L**.

For the sanitary lateral, the pipe must be exposed and the open end properly sealed by the property owner and inspected by the Chief of Utility Operations or his designee. The sanitary lateral must be abandoned at a location such that the remaining pipe does not contribute storm water infiltration to the sanitary sewer. If video inspection by the Chief of Utility Operations 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 the Chief of Utility Operations.

For the water service pipe, the person to whom the demolition permit was issued shall notify the Chief of Utility Operations 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 the Chief of Utilities Operations, 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 Avon Lake Regional Water shall subject the person or entity to a \$1000.00 fine. (Eff. 5-5-08)

Section 4.12 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 potable water system. Avon Lake Regional Water shall not be liable for damage due to change in pressure.

Section 4.13 Water Quality Standards. Potable water furnished by Avon Lake Regional Water will meet or exceed United States Public Health Service and Ohio Environmental Protection Agency standards for human consumption. Avon Lake Regional Water does not guarantee potable water quality furnished in excess of these standards.

Section 4.14 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.

Section 4.15 Policy Regarding Gifts to Avon Lake Regional Water Employees. The Board of Municipal Utilities in recognition of the service granted Avon Lake Regional Water by its employees hereby permits the Chief Utilities Executive or Chief of Utility Operations to purchase with funds of Avon Lake Regional Water items to give to employees honored at the Employee Appreciation meeting, or other event, usually held yearly for such recognition.

A guideline for such purchase shall be for recognition in five (5) year increments and the value of each five (5) year increment be graduated.

In the event of a Special Recognition (such as extraordinary work effort, work result, live saving, work efficiency, idea, etc.) the value of the gift shall be determined based on the facts.

It is expected the most valuable gift not exceed \$200.00. Any amount over this value must be approved by the Board of Municipal Utilities before the purchase is made. (Eff. 9-15-08)

[END OF TITLE I]

TITLE II - WATER SYSTEM

CHAPTER 1 - WATER USE

Section 1.01 Application for Service. When a property owner wishes water service, he or his duly authorized agent shall make written application therefor on forms provided at the office of Avon Lake Regional Water. For new services, such application must be signed by the owner of the property or his legal agent, giving location and lot number of the property to be services, and shall show evidence of having procured a valid building permit.

Section 1.02 Applicants to Agree to Regulation. Applicants for water and sewer service shall pay such fees, charges, or assessments as may be required and shall agree to these Regulations of said services.

Section 1.03 Public Water Supply. No water supplies or water pipes for public use shall be constructed or operated within the limits of Avon Lake except as approved by Avon Lake Regional Water.

“Public Use” shall signify the use of distribution of industrial or potable waters when applied to the needs of two (2) or more separate consumers.

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.

Section 1.04 Defraying of Expenses. Any expense to Avon Lake Regional Water incidental to the approval of water supplies or to the installation of water pipes as provided shall be defrayed by the party or parties initiating the improvement, and said party or parties shall make such arrangements as are acceptable for defraying such expense.

Section 1.05 Connecting to the Public Water Supply. No person or persons, or firm, corporation, or employees thereof, 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.

Section 1.06 Pool Filling. Customer requests for the filling of swimming pools shall be scheduled with Avon Lake Regional Water for such times as Avon Lake Regional Water personnel are available and shall be charged on a time and material basis.

Section 1.07 Tampering with the Water System. No person or persons 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.

Section 1.08 Pollution of Public 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 polluting matter into the water supply thereof.

Section 1.09 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.

Section 1.10 Operation of Fire Hydrants. Fire hydrants shall be operated exclusively by the Avon Lake Fire Department and Avon Lake Regional Water personnel only. Any other use is strictly prohibited.

Permitted uses other than firefighting are determined by the Chief of Utility Operations or his designee. Any water used shall be charged to the user at the current rate plus Avon Lake Regional Water's costs (including but not limited to costs of water used, special equipment fees, and labor) and shall be determined by a hydrant meter. No non-firefighting water shall be taken from a hydrant without a hydrant meter obtained from Avon Lake Regional Water.

All hydrants shall be operated with a properly designed hydrant wrench, and the hydrant valve shall not be throttled for regulation of discharge. 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. Any damage to property, both public and private, shall be the responsibility of the permittee.

Section 1.11 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.

Section 1.12 Use of Privately Owned Fire Hydrants. 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.

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.

If the flow on the detector meter is due to a leak, the private hydrant owner will be notified by the CUO 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.

If the detector meter does not indicate a leak but shows usage, the private hydrant owner will be notified in writing of the illegal use of the fire line. Should illegal use of the private hydrant reoccur after the first notice, the remedies identified in Title V of these Regulations will be enforced.

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.

Section 1.13 Cross Connections. 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 shall include installation of pipe and fixtures such that a possibility of backflow or backsiphonage exists in the opinion of the CUO.

In accordance with the requirements of the Ohio EPA, Ohio Administrative Code Section 3745-95, all backflow prevention devices installed on a property's water service and required by these regulations must be approved Avon Lake Regional Water.

Only the backflow prevention devices so required by Avon Lake Regional Water shall be monitored by the Utilities for proper installation and annual testing. Backflow prevention devices not specifically required by Avon Lake Regional Water regulations will not be monitored nor shall Avon Lake Regional Water assume any responsibility or liability for their operation. (Amended 10-6-08)

Section 1.14 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.

Section 1.15 Entrance to Premises. No person shall refuse authorized Avon Lake Regional Water personnel reasonable and safe entrance to premises for the purpose of inspection of piping or reading, inspection, installation, maintenance, or removal of a meter.

Section 1.16 Repairs to Service Lines. A property owner, upon receiving notification from CUO, shall promptly repair any leak discovered within his service line.

Section 1.17 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.

Section 1.18 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.

Section 1.19 In-Ground Sprinkler System. All in-ground sprinkler systems require backflow preventers. Atmospheric pressure type vacuum break is an approved device, however it must be testable, i.e. have test ports. A reduced pressure type backflow preventer is also acceptable. All backflow preventers used shall be listed and approved by the Chief of Utility Operations. All backflow preventers must be tested every year by a person certified by either the Operator Training Committee of Ohio (OTCO) or the Department of Commerce to perform such tests. Failure to test as required will result in shut-off of water to the sprinkler system or user if they are not separate. Reinstatement of water service will be at the standard, Board approved, turn-on fee. Owners or users of such systems will be notified by mail each year in April regarding the required inspection and are expected to provide a test report to Avon Lake Regional Water from a State certified tester by May 25th. Should no reply regarding this matter be received by Avon Lake Regional Water by the last working day in May, a reminder letter will be mailed and should no test report be received by or on June 15th, a letter will be mailed indicating the report was not received and that if not received by the first work day after June 30th, water service to the sprinkler or home will be terminated.

Immediately upon connection of an in-ground lawn sprinkling system to the Avon Lake potable water system, the required backflow prevention device must be in place and tested and approved for operation by a certified backflow prevention person. Such person shall have either an OTCO or Department of Commerce certification. Failure to provide such test and certification of same with ten (10) days of the activation of the system may result in a \$500.00 fine and possible loss of water service. It is the property owner's responsibility to assure that such certification is received by the required time. 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 backflow preventer must be removed and the sprinkler line shut off.

Continued noncompliance with this regulation subjects the offender to an immediate fine of \$500.00 to \$1,000.00 and termination of water service or loss of backflow testing certification, which the Chief Utilities Executive shall determine.

CHAPTER 2 - WATER RATES AND CHARGES

Section 2.01 Basis of Water Charges. In order to provide for the costs and expense of the management, protection, and operation of the Avon Lake Water System and Water Treatment Plant and the maintenance thereof, there is hereby established a water service charge which shall be paid to Avon Lake Regional Water for the use of the Water Distribution System and the Water Treatment Plant by every person whose premises are served by a connection to the said system.

Section 2.02 Water Turn-On Charges. The water supply turn-on charges shall be as set forth on **Schedule A** attached hereto, as established by the Board, from time to time.

Section 2.03 Water to be Metered. The use of all water supplied by Avon Lake Regional Water shall be metered, unless otherwise exempted in these Regulations, and shall be charged for according to the rate schedules published from time to time by the Board.

Section 2.04 Meter Rates. The meter rates shall be as set forth on **Schedule B** attached hereto, as established by the Board, from time to time.

Section 2.05 Minimum Rates. 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 B** attached hereto, as determined by the Board, from time to time.

Section 2.06 Water Outside Corporation Limits. All water sold outside the corporation limits of Avon Lake shall be charged according to the rates set forth on **Schedule B**, plus 10%.

Section 2.07 Billing Periods. Bills for water consumed and the sewage service charge shall be payable on the first day of January, April, July and October of each year for customers billed quarterly. The water and sewer service charges for large volume users (generally 500,000 gallons of billable consumption per month) will be billed monthly and will be due on the first day of the succeeding month. Large volume users under 500,000 gallons per month can request monthly billing by letter to the CUE.

Section 2.08 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 owner or consumer. The failure to receive such notice shall not release the obligation of the Owner of such property to pay the said water and sewer service charges, and said charges shall be payable whether notice be received or not.

Section 2.09 Payment and Penalties. Water service charges are due as of the date of the invoice or bill being issued. If not paid by the 20th day of the month of the invoice or bill issue, they are subject to a penalty of ten percent (10%). Should the 20th day of the month that said charges are due fall on a weekend or holiday, then said charges are due on the next business day.

Section 2.10 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 not be received by the bill's due date. 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 if payment is not received at Avon Lake Regional Water's billing office by the due date.

All charges for water and sewer service 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, the CUE 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.

Section 2.11 Property Owner/Tenant Agreement. It is the property owner's responsibility after having been notified of fees and charges due Avon Lake Regional Water to assure their timely payment. A property owner may arrange to have a tenant or lessee pay the water and sewer 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 the CUE of the need before service is terminated.

Section 2.12 Charges Paid in the Order Contracted. Charges for water and sewer service must be paid in the order in which they are contracted. Accordingly, payments received will be applied first to delinquent charges when there is a previous delinquent charge against the same property.

Section 2.13 Charges Based on Water Meter Readings. Billings for water and sewer service charges, except as exempt in Title I, section 2.09, shall be made in accordance with the water meter readings. The accuracy of these readings may be appealed as provided in Title V of these Regulations.

Section 2.14 Adjustment of Bills. 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.

No adjustment to the water consumption charge portion of a bill will be allowed for a claim because of leaks in the consumer's lines or fixtures. The CUE, upon proper evidence, may adjust the sewer service charge of a bill for a leak when the consumer can show that the excess water did not enter the sanitary sewer system, but the amount of water registered by any meter shall be charged and paid in full, irrespective of whether such water, after having been registered, was lost by leakage, accident, or otherwise.

Section 2.15 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.

Section 2.16 Deduction for Fire Protection. A deduction to the water and sewer 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.

Section 2.17 Estimated Bills. When it is not possible for meter readers to gain entrance to a premises for the purpose of reading the meter, a card will be left or sent to the premises for the purpose of allowing the consumer to record his own meter reading. The said card, if returned in

the specified period with the required information, may be used in the determination of the water and sewer charges. For all accounts for which Avon Lake Regional Water cannot get a reading of the water meter, the water and sewer service charges will be estimated on past use on the premises in comparable periods and a bill submitted for this amount.

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

Section 2.18 Final Bill. Consumers wishing to terminate their water and sewer 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.

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 must be given at the time the final is requested.

Section 2.19 Summer Billing Adjustment. Individual residential accounts during the third billing quarter will have the sewer service charge adjusted to allow for summer sprinkling. The adjustment to the sewer 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 sprinkling meters.

Section 2.20 New Line Charges. All new water line installations shall be subject to Avon Lake Regional Water's charges as shown in **Schedule I**.

Section 2.21 Water Impact Fee. A Water Impact Fee shall be collected from the owner of Undeveloped Land at the time of their connection to the Municipal Water System or from developed land upon their request to up-size their existing water connection for the purpose of constructing improvements to the municipal 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.

The Water Impact Fee 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:

<u>Meter Size</u>	<u>ERCs</u>
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
12 inches	256

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

The Water Impact Fee per Equivalent Residential Connection shall be as set forth in **Schedule K** attached hereto and such fee shall be adjusted annually in accordance with the first published Cleveland Construction Cost Index in *Engineering News Record* after January 1 of each year.

The Water Impact Fee may be paid at any time prior to the improvements of Unimproved Land but shall be paid prior to occupancy and shall be a condition of the issuance of an occupancy permit. Such fees shall apply to all improvements on Unimproved Lands regardless of whether such improvements are connected to the municipal water system. 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)

CHAPTER 3 - TAPS AND SERVICE CONNECTIONS

Section 3.01 Application for Tap and Service Connection. Any property owner requesting the installation of a tap and service connection shall make written application therefor on forms provided at the office of 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, and shall show evidence of having procured a valid building permit except as may be waived by the Board.

Section 3.02 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 determined by the Board and as shown in **Schedule G.**

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 1-1/2" 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.

Section 3.03 Taps and Services on New Main Installations. All taps and services on new contractor installed water mains shall be the responsibility of the contractor to install. Once installed, Avon Lake Regional Water will set the meter vault and meter. 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 Line Testing Fee Schedule attached hereto as **Schedule C** as amended from time to time by the Board.

1. One trip to initially fill the new line.
2. Two trips on consecutive days for the purpose of flushing and sampling the new line for the required bacteria testing.
3. One trip to flush and sample for the bacteria check sample after successful completion of the hydrostatic test.
4. The setup and analysis of the above bacteria samples on three separate days by Avon Lake Regional Water laboratory.
5. Upon acceptance of the line, one trip to open the valves to put the new line in service.

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.

Section 3.04 Meter Vault Location. All new water services shall have the meter vault located immediately inside the property line.

Section 3.05 Radio Read Meters. All new water services shall be installed with radio read meters.

Section 3.06 Payment for Taps and Services. All costs associated with the tap and service connection charges must be paid in full before actual installation of the said tap and services will be done.

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.

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, on one-inch (1") and smaller in size, shall be the responsibility of Avon Lake Regional Water, 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.

When it has been determined by Avon Lake Regional Water that it would be more beneficial to replace rather than repair a service connection of one-inch (1") or 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. 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.

For larger service connections, 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.

Section 3.07 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 plus 100% of labor shall be charged to those responsible for the damage in accordance with **Schedule D** attached hereto as determined by the Board from time to time.

Section 3.08 Minimum Frontage for Service. Requests for service shall only be granted to such properties that have a buildable frontage per City of Avon Lake 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 the Board.

Section 3.09 Multiple Services. No multiple services 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.

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

Section 3.10 Connection to Service Line. No person or persons 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 4 - METERS

Section 4.01 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 the Board.

Section 4.02 Ownership of Meters. 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.

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.

Section 4.03 Installation of Meters. All meters on the Avon Lake Water System shall be installed by Avon Lake Regional Water except in service connections of 1-1/2" and larger, and the property owner shall be responsible for the installation of a meter to be supplied by Avon Lake Regional Water.

Section 4.04 Removal of Meters. Meters shall be removed only by authorized employees of Avon Lake Regional Water.

Section 4.05 Meter Testing. 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 on **Schedule E** attached hereto as determined by the Board from time to time.

Should any Avon Lake Regional Water customer 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 American Water Works Association water meter accuracy standards, then there will be no charge to the customer requesting such test. If, however, the meter tests accurate by the same American Water Works Associations standards, then all costs associated with such testing procedure plus a 10% administrative fee shall be billed to the customer. 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 customer or customer's agent may be present to witness said test. Failure of the customer 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.

Section 4.06 Remote Vault Meter Conduit Installation or Damage. 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 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 30 days or arrangements made for such installation satisfactory to the Chief Utilities Executive. Any damage to the conduit shall be repaired by the property owner within 30 days after notification by Avon Lake Regional Water of such damage and necessary repair.

CHAPTER 5 - WATER MAIN EXTENSIONS

Section 5.01 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 Board or its designee.

Section 5.02 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") to also perform the function of trunk mains, the contractor shall install the size main, as determined by Avon Lake Regional Water, that is required. Avon Lake Regional Water will then reimburse the contractor for that portion of the pipe cost that is equal to the difference between the installed size and eight inches (8"). The amount to be paid for the oversizing of the main shall be determined by Avon Lake Regional Water.

Section 5.03 Minimum Standards. All material used in water main extensions, along with all methods of installation, shall meet the latest revision of its AWWA Standard as a minimum requirement and be acceptable to the CUE.

Section 5.04 Pipe. All water mains shall be constructed of one of the following:

1. Ductile Iron – Class 52 cement line conforming to ANSI/AWWA Standards C104/A21.4-03 and CI 51/A21.51-02, Polyethylene Encasement ANSI/AWWA C105/A21-5.
2. Reinforced Concrete Pressure Pipe – Steel cylinder type ANSI/AWWA C300-04.
3. Polyvinyl Chloride Pipe (PVC) – Molecularly oriented – ANSI/AWWA C-909-09.

Section 5.05 Fittings and Valves. All fittings and valves on new installations shall meet the latest revised AWWA Standard.

Fittings – ANSI/AWWA C110/A21.10-03 or ANSI/AWWA C153/A21.53-06
Gate Valves – ANSI/AWWA C500-02
Butterfly Valves – ANSI/AWWA C504-06

All valves shall be Mueller or Darling or an approved equal. Gate valves shall be a double disc type or resilient seated gate valve. Butterfly valves shall be used for all installations 16" and larger.

In addition, all bolts on buried water line fittings and valves shall receive an approved bitumastic coating, and then the entire fitting or valve shall be double wrapped with a 6-mil polyethylene cover.

Section 5.06 Fire Hydrants. Approved fire hydrants for the Avon Lake Water System shall be American Darling Hydrant No. B-84-8 with standard City threads or Mueller Centurion A-423 with 5-1/4" valve opening, and all shall be installed with a 6" watch valve and box. Hydrants shall be installed approximately every 300+ 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.

Section 5.07 Location. All water main installations shall be located off the paved area of any roadway and sidewalk within 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.

Section 5.08 Installation. The installation of all water main pipe, valves, fittings, and hydrants along with alignment and grade, trench construction, backfilling, and hydrostatic testing shall conform to ANSI/AWWA C600-05 Specifications or latest edition.

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.

The water main shall be backfilled with #57 limestone to a depth of six inches on all sides of the pipe and shall be thoroughly compacted before final backfilling. Under no conditions shall any water main backfill contain any slag screenings or crushed concrete.

Section 5.09 Service Connections. On new subdivision installations, the 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 plans.

The contractor shall be responsible for tapping the main, installing the corporation cock (Farnan Brass or equal), and extending the service line (minimum 3/4" "K" copper) a distance of at least five feet into the property line. At a distance of seven 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.

Section 5.10 Water Line Inspection Fee. Water mains which are installed on private property and become the City's property, shall be subject to an inspection fee based on **Schedule F** attached hereto as determined by the Board from time to time.

Section 5.11 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 Office and payment of fees for the size service received according to **Schedule G** attached hereto as determined by the Board from time to time.

For all services 1-1/2" 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 bypass, and set a meter that shall be provided by Avon Lake Regional Water.

All service line extensions within the property shall be installed with a remote meter-read-device or a radio read meter as determined by Avon Lake Regional Water in accordance with Chapter 3 of this Title II.

Section 5.12 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.

Section 5.13 Testing. 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.

Section 5.14 Disinfecting Water Lines. 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.

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.

Approval shall be based on two acceptable bacteria tests, taken on consecutive days and a post hydrostatic test check sample as performed by Avon Lake Regional Water's Water Lab.

Section 5.15 Guarantee on New Water Mains. 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 the CUO shall notify the contractor of the results. All needed repairs and replacements, as noted by the CUO, shall be completed by the contractor at his expense, to the satisfaction of the CUO, before the water main receives final acceptance and the contractor's maintenance bond is released.

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 6 - CROSS CONNECTION CONTROL

Avon Lake Regional Water is responsible for protection of the public water system of Avon Lake from contamination due to backflow of contaminants through the water service connection. If, in the judgment of the CUE, a potential source of backflow and/or contamination exists, he shall give notice to the consumer to install such approved backflow prevention device(s) at each service connection to the premises. 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 until said devices are installed.

Section 6.01 Prohibited Connections. No person, firm, or corporation shall establish, or permit to be established, or maintain, or permit to be maintained, any connection whereby a private, auxiliary, or emergency water supply other than the regular public water supply of Avon Lake may enter the supply of distribution system of said municipality, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the CUE and the Ohio EPA.

Section 6.02 Surveys and Investigations. 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 public water system may exist and through which contaminants or pollutants could backflow into the public water system.

The CUE or his duly authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the public water supply or distribution system of Avon Lake 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 the CUE or his representative any information requested regarding the piping system(s) or water use on such property. The refusal of such information when requested shall, at the discretion of the CUE, be deemed evidence of the presence of improper connections.

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 public water system or the consumer's potable water system.

Section 6.03 Where Backflow Protection is Required.

1. An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where, in the judgment of the CUE or the Ohio EPA, actual or potential hazards to the public water system exist.

2. An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where the following conditions exist:

a. Premises having an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the CUE and the source is approved by the Ohio EPA.

b. 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 public water system which are no longer under the sanitary control of Avon Lake Regional Water.

c. Premises having internal cross-connections that, in the judgment of the CUE, are not correctable or intricate plumbing arrangements which make it impractical to determine whether or not cross-connections exist.

d. Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey.

e. Premises having a repeated history of cross-connections being established or re-established.

f. Others as may be specified by the CUE or the Ohio EPA.

3. An approved backflow prevention device shall be installed on each service line to a consumer's water system, but not necessarily limited to, the following types of facilities, unless the CUE or the Ohio EPA determines that no actual or potential hazard to the Public Water System exists.

a. Hospitals, mortuaries, clinics, nursing homes;

b. Laboratories;

c. Piers, docks, waterfront facilities;

d. Sewage treatment plants, sewage pumping stations, or storm water pumping stations;

e. Food or beverage processing plants;

f. Chemical plants;

g. Metal plating industries;

h. Petroleum processing or storage plants;

i. Radioactive material processing plants or nuclear reactors;

j. Car wash facilities;

k. Other specified by the CUE or the Ohio EPA.

4. 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 the CUE and the Ohio EPA.

Section 6.04 Type of Protection Required.

1. The type of protection required under Section 6.03, subparagraphs 1, 2, or 3, of Title II 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 or health hazard.

c. An approved air gap separation, reduced pressure principle device, or double check valve assembly shall be installed where the public water system may be polluted with substances that could cause a pollution hazard not dangerous to health.

2. The type of protection required under Section 6.03, subparagraph 4, of Title II of these Regulations shall be an approved air gap separation or an approved interchangeable connection.

3. Where an auxiliary water supply is used as a secondary source of water for a fire protection system, the provisions of this Section 6.04 may not be required providing:

a. At premises where the auxiliary water supply may be contaminated with substances that could cause a system or health hazard, the public 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 public 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 public 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.

Section 6.05 Backflow Prevention Devices.

1. Any backflow prevention device required by these Regulations shall be of a model or construction approved by the CUE and the Ohio EPA and shall comply with the following:

a. An air gap separation to be approved shall be 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 inch.

b. A double check valve assembly or reduced pressure principle backflow prevention device shall be approved by the CUE and shall appear on the current "List of Approved Backflow Prevention Devices" of the Ohio EPA.

c. To be approved, an 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.

2. Existing backflow prevention devices approved by the CUE or the Ohio EPA at the time of installation and properly maintained shall, except for inspection and maintenance requirements, be excluded from Section 6.04 above provided the CUE is assured that they will satisfactorily protect the public water system. Whenever the existing device is moved from its present location or requires more than minimum maintenance, or when the CUE finds that the maintenance of the device constitutes a hazard to health, the device shall be replaced by a backflow prevention device meeting the requirements of these regulations.

Section 6.06 Installation.

1. Backflow prevention devices required by these Regulations shall be installed at a location and in a manner approved by the CUE and shall be installed by and at the expense of the water consumer. In addition, any backflow prevention device required by these Regulations shall be installed at a location and in a manner approved by the Ohio EPA as required by Chapter 6109 of the Ohio Revised Code or as required by Avon Lake Regional Water. (Rev. 2-5-13)

2. 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.

3. 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.

Section 6.07 Inspection and Maintenance.

1. It shall be the duty of the consumer at any premises on which backflow prevention devices required by these regulations are installed to have inspection, test, and overhaul made in accordance with the following schedule or, more often, where inspections indicate a need:

a. Air separation shall be inspected at the time of installation and at least every twelve months thereafter.

b. Double check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve months thereafter. They shall be dismantled, inspected internally, cleaned, and repaired whenever needed and at least every thirty 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 months thereafter. They shall be dismantled, inspected internally, cleaned, and repaired whenever needed and at least every five years.

d. Interchangeable connections shall be inspected at time of installation and at least every twelve months thereafter.

3. Inspections, tests, and overhaul 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 the CUE as qualified to inspect, test, and overhaul the said device.

4. Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay.

5. 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.

6. Backflow prevention devices shall not be bypassed, made inoperative, removed, or otherwise made ineffective without specific authorization by the CUE.

Section 6.08 Booster Pumps.

1. 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.

2. It shall be the duty of the water consumer to maintain the low pressure cut-off device improper working order and to certify to the CUE, at least once a year, that the device is operable.

Section 6.09 Backflow Testing Falsification. If an Ohio Department of Commerce or Operator Training Committee of Ohio (Ohio EPA) backflow certificate holder is found to have falsified test report documents, penalties will be enforced as outlined below:

1. 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 has conducted.
 - c. Fixing devices without testing them.

2. Penalties for any form of falsification include:
 - a. 1st 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. 2nd 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)

Section 6.10 Water-Powered Sump Pumps.

1. Water-powered sump pumps pose a contamination risk to customers who install them and to Avon Lake Regional Water's public water system. They are therefore not permitted to be connected to any water service supplied by Avon Lake Regional Water. 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 30 days. Failure or refusal to remove said connection within 30 days after notice or to provide a schedule for said removal approved by the Chief Utilities Executive 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 V of these Regulations. (Eff. 2-5-13)

[END OF TITLE II]

TITLE III - SEWERS

CHAPTER 1 - ASSESSMENT AND COLLECTION OF SEWER SERVICE CHARGE

Section 1.01 Basis of Sewer Service Charge. In order to provide for the costs and expense of the management, protection and operation of the public sewer system and the Water Pollution Control Center, and the maintenance thereof, there is hereby established a Sewer Service Charge which shall be paid to Avon Lake Regional Water for the use of the public sewer system and the Water Pollution Control Center by every person whose premises are served either directly or indirectly by a connection to the public sewer system.

Section 1.02 Sewer Service Charge.

1. The Sewer Service Charge billed monthly or quarterly shall be the sum of the following, as applicable to a given user:

- | | | |
|------------------------------|--------------|-----|
| a. Administrative Fee | <i>times</i> | MBP |
| b. Consumption Charge | <i>times</i> | BC |
| c. Industrial Surcharge Fee | <i>times</i> | MBP |
| d. Industrial Surcharge Rate | <i>times</i> | EDP |

When

MBP	=	Months in Billing period
BC	=	Billable Consumption
EDP	=	Excess Pounds Discharge

2. The Sewer Service Charges are identified in **Schedule H** attached hereto as established by the Board from time to time.

3. 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.

Section 1.03 Alternate Billing.

1. None of the alternative means of determining billable flow defined in this Section 1.03 may be used without the prior approval of the Board.

2. The Board shall not grant approval unless the Section 1.03(3)'s prerequisite demonstration, that significant amounts of consumed water that would otherwise be billable consumption are not discharged into the public sewage system, is made and it is also demonstrated, to the satisfaction of the Board, that the means of measurement, including the measuring device(s) themselves, their placement, arrangement, number, operation, and maintenance and any other relevant factors, is adequate to ensure an accurate determination of billable consumption.

3. The Board may require that any alternate means of determining billable flow be verified prior to granting approval, and the Chief Utilities Executive has the authority to inspect or require verification at any time subsequent to the granting of approval. The Chief Utilities Executive can also require that repairs or other steps be made to ensure an accurate determination of billable consumption.

4. The Board may withdraw its approval at any time it is no longer assured that the alternate means it has approved represents an accurate method of determining billable consumption, providing that the Owner of the affected premises, or other interested party, be given notice of the proposed withdrawal and be provided an opportunity for a hearing.

When the Board deems it appropriate to withdraw its approval of an alternate means of determining billable consumption, billable consumption shall be as it would have otherwise been, as defined in this Section 1.03, unless the Board determines that some means other than those referenced in Section 1.03 should be used in lieu of the means for which approval has been withdrawn.

When the Board withdraws its approval for an alternate means of determining billable consumption, the means determined to be appropriate in subparagraph 2 of this Section 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 consumption.

The Board shall give notice of the proposed withdrawal of its approval of an alternate means of determining billable consumption, including the adjustments made to the billings to the affected user(s), and provide an opportunity for an informal hearing. The proposed withdrawal and corresponding action regarding adjustment in billing shall be approved unless the Owner of the affected premises, or other interested party, presents a clear and convincing basis for determining that the proposed action is not warranted.

The Board has broad discretion in protecting its interest in an accurate determination of billable consumption and is not limited to these means identified above, in determining whether an accurate determination has been, is being, or will be made.

In all circumstances, the burden of demonstrating that a particular alternate measure represents an accurate means of measurement falls upon the Owner of the premises, or other interested party, who is proposing the alternative method.

Section 1.04 Billing Period. The Sewer Service Charge shall be payable on the first day of January, April, July, and October of each year for customers billed quarterly. The Sewer Service Charge for large volume users (generally 500,000 gallons of billable consumption per month) will be billed monthly and will be due on the first day of the succeeding month. Users can request monthly billing.

Section 1.05 Obligation of Property Owner. The failure to receive such notice shall not release the obligation of the Owner of such property to pay such Sewer Service Charge, and such Sewer Service Charge shall be payable whether notice be received or not.

Section 1.06 Penalties. Sewer Service Charges are due as of date of issue. If not paid by the 20th day of the month of issuing the invoice or bill, they are subject to a penalty of ten percent (10%). Should the 20th day of the month that said charges are due fall on a weekend or holiday, then said charges are due on the next business day.

Section 1.07 New Line Charges. All new sewer line installations shall be subject to Avon Lake Regional Water's charges as shown in **Schedule C**.

CHAPTER 2 - BUILDING SEWERS AND CONNECTIONS

Section 2.01 Authorization. No person, entity, firm, corporation, or employee thereof, shall uncover, make any connection with, or open into, use, alter, or disturb any public sanitary or combined sewer or appurtenance thereto, except upon the authorization of the CUE.

Section 2.02 Inspection Permit and Fee. Any person, entity, firm, corporation, or employee thereof desiring a connection to a public sanitary or combined sewer shall make written application therefor on forms provided by the Board. Such application must be signed by the owner of the property or his legal agent, giving location and lot number of the property to be served, and the applicant shall show evidence of having procured a valid building and/or street opening permit. No inspection permit will be issued if no valid building permit has been issued. The application shall be accompanied by any plans, specifications, or other information required by these Regulations. A permit and inspection fee, determined in accordance with Schedule H attached hereto, shall be paid to Avon Lake Regional Water at the time the application is filed. This permit signed by the Chief Utilities Executive shall be the person's authority to use the public sewer and shall be valid until revoked.

Section 2.03 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 be occasioned by the installation or operation of a building sewer.

Section 2.04 Separate Sewers. A separate and independent building sanitary sewer shall be provided for every building. Only upon a written consent of the Board of Municipal Utilities may two (2) or more buildings use the same sewer.

Section 2.05 Existing Building Sewers. Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the Chief of Utility Operations, to meet all the requirements of these Regulations.

Section 2.06 New Building Sewers. All new sanitary sewers to new buildings shall be installed into the area to be occupied by the building, and stubbed up at least 2 feet above the proposed floor level. In the case of plastic sewer pipe, a cap shall be glued on the stub, or, in the case of iron pipe, a plug must be leaded in place. This will prevent debris and clean water from entering the sanitary sewer.

Once the sump pump for the building is installed and functioning, the plug or cap may be removed for completion of the plumbing. If the plumbing is extended prior to this, no outlet shall be left open below a two foot level above the floor of the sewer's entry into the building. All openings not meeting this criteria shall be capped or plugged per the aforesaid manner. In no event shall the plug or cap be removed or the pipe broken and left without immediate repair.

Should it be found that the building sanitary sewer was broken or opened contrary to this requirement, the general contractor or person acting in this capacity shall be responsible for a \$200.00 fine payable immediately.

Section 2.07 Connecting to a Combined Sewer. All new building sewers installed where only a combined sewer is available shall install separate storm and sanitary sewers from the building to the City's right-of-way. At that point, the sanitary sewer shall be connected to the storm

sewer by way of a wye and the sewer extended and a single tap made to the combined sewer. The building sanitary sewer shall be installed with an inspection tee, and the storm sewer shall have a three way trap-cleanout, all as approved by the CUO.

Section 2.08 Sewer Size and Material. The building sewer shall be of the size and material as required by the Avon Lake Building Code and these Regulations.

1. **Sanitary.** The sanitary outlet from any building requiring sanitary facilities shall not be less than 4 inch cast iron, 5 inch extra strength vitrified clay sewer pipe, 6 inch asbestos cement pipe, Class 3,300, 6 inch ABS-CS270, or 6 inch ASTM-D-3034 (SDR35) Type PSM polyvinylchloride (PVC) sewer pipe.

2. **Storm.** All sewers which receive storm drainage or drainage from subsoil or the building storm drain shall be not less than 4 inch cast iron pipe, or 6 inch asbestos-cement, concrete, ABS, PVC, vitrified clay or other approved pipe. All underground downspout piping and fittings shall not be less than 4 inch, shall be constructed of PVC and conform to ASTM-D3034 (SDR35) or ASTM-F789Z46.

Section 2.09 Excavation and Backfill. All excavations required for the installation of the building sewer shall be open trench work unless otherwise approved by CUO. The sewer connection pipe shall be laid straight, properly aligned with proper bedding and backfill. All pipe laying and backfill shall be performed in accordance with the American Society for Testing Materials ("ASTM"). No backfill shall be placed until the installation has been inspected.

All excavation for building sewers shall be adequately guarded with barricades and lights so as to protect the public from hazards.

Section 2.10 Proper Grade and Elevations.

1. **Sanitary Sewers.** The grade for sanitary sewer connections from the main sewer in the street to the building foundation shall be a minimum of one-percent (one foot fall vertical per one hundred feet horizontal) to assure a minimum scouring velocity of two feet per second. The elevation of the flow line invert of sanitary sewer connections at the building foundation shall be a minimum of one foot above the inside top of the sanitary sewer main in the street.

2. **Combined Sewers.** No connection to a combined sewer shall be permitted from either a footer drain, a basement floor or any habitable floor below finish grade which depends on gravity flow. Should connections from these areas be desired, they shall be made in a manner approved by the CUO and with the use of a sump pump. The grade for such connections from the combined main sewer in the street to the building foundation shall be a minimum of one-percent.

Section 2.11 Connection to Main Sewer. The building sanitary sewer shall connect only to a sanitary or combined sewer system. Sanitary connections to a storm sewer or, the connection of storm drains to a sanitary sewer is prohibited. No building sanitary sewer connection shall be made to a strictly sanitary sewer main until the property's storm sewer for the footers, roof and surface water is completely operational.

The connection of the building sanitary sewer into the public sewer shall be made at the way 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", a wye branch shall be installed.

For sewers 18" and over, a neat hole may be cut into the main sewer at the location specified by the CUE at the highest point possible on the side. A smooth, neat joint shall be made and the connection made secure and water tight, by encasement in concrete. Special fittings may be used for the connection when approved by the Chief of Utility Operations.

Section 2.12 Inspection. The applicant for the building sanitary sewer permit shall notify the CUO when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Chief of Utility Operations, within the twenty-four (24) hours after notice is given that the installation is ready. The applicant must give his sewer permit number when requesting an inspection. All inspections must be scheduled by noon of the day the inspection is requested.

Section 2.13 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 the Municipal Engineer.

Section 2.14 Downspout/Clean Water Connection Removal from Sanitary Sewers. Whenever Avon Lake Regional Water becomes aware of a clean water connection to an existing sanitary sewer, such as a downspout or other surface water connection to the existing sanitary sewer, the property owner or his agent shall be notified to remove and seal said connection within 30 days. Failure or refusal to remove and seal said connection within 30 days after notice or to provide a schedule for said removal and sealing approved by the Chief Utilities Executive shall subject said property owner to an immediate fine of \$200.00 for each day thereafter until said connection is removed and sealed. Continued failure to remove and/or seal said connection may result in additional enforcement or prosecution pursuant to Title V of these Regulations.

Avon Lake Regional Water may perform regular and periodic inspections to assure there are no clean water connections existing on private property. 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 30 days following Avon Lake Regional Water's written request, mailed to the property owner of the premises, subject the property owner of the premises to a fine of \$200.00 per day until such access is granted. (Rev. 11-7-11)

Section 2.15 Foundation Drain. Foundation drain systems, also referred to as footer tiles, that provide drainage to a structure and are connected to the Avon Lake sanitary sewer 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. 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. Maintenance, modifications, repairs or improvements shall include but not be limited to (a) the maintenance, modification and/or repair of the existing basement walls of the structure, (b) any expansion of the foundation drain system, (c) any maintenance or repairs to the foundation drain system including cleaning, repairing, or replacing any part of the foundation drain system, (d) the placement of gravel or other bedding or filtration material around or over any part of the foundation drain system, (e) the performance of any work related to the improvement of drainage of storm or ground water into the foundation drain system or the sanitary sewer system, or (f) any modification to the sanitary lateral. At such time, all connections between that foundation drain system and the Avon Lake sanitary sewer system by which ground and/or storm water may be conveyed from

the foundation drain system to the Avon Lake sanitary sewer 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 sanitary sewer 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. For the purposes of this section "Foundation Drain" shall be defined as a gravity or direct connection. Any foundation drains that discharge to the sanitary sewer by use of a pump or other means shall be subject to the requirements of Title III, Section 2.14 of these Regulations.

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. Cost for the foundation drain separation permit shall be as shown in **Schedule M**.

Any person who or entity which 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 up to \$1,000.00. 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 sanitary sewer system, the property owner shall be notified in writing that a \$200.00 per day fine may be imposed against the property owner if disconnection is not completed to the satisfaction of the Chief of Utility Operations within a predetermined period. (Eff. 5-19-08, Rev. 9-20-10, Rev. 5-2-11, Rev. 4-16-12)

CHAPTER 3 - SANITARY SEWER CONSTRUCTION

Section 3.01 Submittal of Plans. All plans for new sanitary sewer construction shall be submitted to the Board for review. After correction of needed identified areas of noncompliance, the plans may be approved by the Board of Municipal Utilities or its designee.

Section 3.02 Testing New Sanitary Sewers. After all pipe and fittings have been connected in place, they shall be tested under a low pressure air test and/or a water exfiltration test. For the water exfiltration test, water shall be filled to a minimum of two (2) feet below the top of the upstream manhole. The exfiltration will be measured by determining the amount of water required to maintain the initial water elevation for a period of one (1)-hour from the start of the test. Additional water shall be metered by an approved means. The maximum allowable leakage outward (exfiltration) shall not exceed 100 gallons per inch of pipe diameter per mile of pipe per day.

All testing shall be made in the presence of the Chief of Utility Operations or his authorized agent and shall be continued until the acceptability of the installed piping has been demonstrated to the CUO's satisfaction. The Contractor shall furnish all necessary pumps, gauges, bulkheads, material, and labor.

Section 3.03 Slope. All sewers shall be designed and constructed to give mean velocities when flowing full of not less than 2.0 feet per second.

Section 3.04 Depth. Sanitary sewers shall be installed to a sufficient depth to allow a gravity flow of sewage from basement floor drains.

Section 3.05 Alignment. Sewers shall be laid with a straight alignment between manholes and shall be checked by either a laser beam or lamping.

Section 3.06 Location of Manholes. Manholes shall be installed at distances not to exceed 400 feet along the length of the sewer. A manhole shall also be installed at any upstream terminus to facilitate the cleaning and testing of the entire sewer. No sanitary manholes shall be permitted in driveways or sidewalks.

Section 3.07 Installation. Installation of sanitary sewers shall be performed in a manner acceptable to the CUO, and said installation will be witnessed by an inspector for Avon Lake Regional Water and/or the City Engineering Department.

1. Trenching. The width of the trench shall be ample to allow the pipe to be laid and jointed in the proper bedding and to allow backfill to be placed and compacted as needed. The trench sides shall be kept as nearly vertical as possible, and rocks and other debris shall be removed.

2. Bedding. Bedding material of #57 limestone or limestone screening as per O.D.O.T. Item 304 shall be placed to a depth of 6 inches below and above the pipe and 4 inches along the sides of the pipe. The bedding shall be thoroughly compacted in 6 inch layers to grade. All bedding under the pipe shall be shaped for pipe bells to allow full support along the entire length of the pipe. No blocking of any kind shall remain under the pipe. Crushed concrete shall not be accepted.

3. **Backfill.** Backfill shall be of suitable material removed from the excavation except where other material would be required as specified by Avon Lake Regional Water or City Engineering Departments. Stones, debris, or other unstable material shall not be used within two feet of the top of the pipe.

4. **Deflection Test.** All flexible sanitary sewer shall be deflection tested not less than 30 days after final full backfill has been placed. The test shall be run by the use of rigid balls or mandrels having diameters equal to 95% of the inside diameter of the pipe. The test shall be performed without mechanical pulling devices and no pipe shall exceed a deflection of 5%.

Section 3.08 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 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.

Section 3.09 Materials. All materials used in the installation of new sanitary sewers shall meet the requirements and be approved by the CUO.

Section 3.10 Sanitary Sewer Pipe and Connections. No new sanitary sewer installed in the City shall be less than 8 inches in diameter. Larger diameter pipe may be required for the installation servicing a large area, if determined by the CUO.

1. **Materials.** All new sanitary sewers shall be one of the following: Type PSM polyvinylchloride (PVC) pipe, ASTM-D-3034 (SDR 35); premium joint vitrified clay pipe, ASTM 0200; or concrete pipe, ASTM C14.

2. **Building Connections.** 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.

3. **Location.** The sanitary sewer shall be installed at least 10 feet horizontally 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 18 inches between the outside of the water main and the outside of the sewer. The crossing shall be arranged so that the sewer joints will be as far as possible from the water main joints.

Section 3.11 Manholes. Manholes on new sanitary sewers shall be precast, reinforced concrete conforming to ASTM-0-478 and shall be of a minimum of 48 inch diameter.

1. All joints shall be of the O-ring type ASTM-C-443 and, when installed shall have a bitumastic compound added to the joint and to a width of 12 inches on the outside of the manhole for water tightness.

2. 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.

3. The lower section of the manhole shall be set in concrete, and concrete fill shall be shaped and sloped to the sewer to create a flow channel.

4. Manhole steps shall be spaced at 12 inch intervals and shall be Neenah 1980-D or approved equal. The first step shall be 25" from the final rim elevation.

5. Grade adjustments shall be made with cast-in-place or precast concrete adjusting collars not to exceed 9 inches in height.

6. Manhole covers shall be set in a base of mortar and shall be Neenah R-1642 Type C or approved equal. If it is determined by the CUO that, due to the final grade of the manhole or for other reasons the manhole cover, during wet conditions, allows water filtration, the Contractor shall be required to supply an approved device or method to correct the infiltration.

Section 3.12 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 the CUO 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.

Section 3.13 Guarantee on New Sewers. Prior to acceptance of any new sewer installations, the Contractor shall supply to the Board 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 of one (1) year after which time the CUO shall inspect the said installation, and the Chief of Utility Operations shall notify the Contractor of the results. All needed repairs or replacements, as noted by the Chief of Utility Operations, shall be completed by the Contractor at his expense to the satisfaction of the Chief of Utility Operations before the sewer receives final acceptance and the Contractor's maintenance bond is released.

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 the Board based on current replacement costs and shall be for 100% of the said costs.

CHAPTER 4 - TRUNK SANITARY SEWER CONSTRUCTION

Section 4.01 Capacity Fee Charge on Unimproved Land. The capacity fee charge shall be as set forth on **Schedule K** attached hereto and as determined by the Board from time to time, and shall only apply to presently Unimproved Real Property upon which buildings are not constructed, to Unimproved Real Property upon which buildings are currently under construction but without an occupancy permit having been issued, or to developed land upon a change in use that will then generate wastewater. The fee charges set forth herein shall apply regardless of whether such are connected to a sewer or not.

Section 4.02 Capacity Fee Charges on Construction.

1. Residential. 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.

2. Commercial and Industrial. All unimproved commercial and industrial real property in Avon Lake shall, upon development of the property, pay a trunk sanitary sewer capacity fee charge of 5.4 cents per square foot of lot area with a minimum charge of \$810.00.

3. Publicly Owned. No publicly owned building or unimproved real property shall pay a trunk sanitary sewer capacity fee provided that the development being constructed is for a public purpose.

Section 4.03 Determination of Fee Charges. The fee charges, set forth in Section 4.02 above, 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.

Section 4.04 Fee Charge Payment. The fee charges as determined by this Chapter 4 may be paid at any time prior to the improvement of such real property but shall be paid prior to occupancy and as such is made a condition of the issuance of an occupancy permit.

Section 4.05 Additional Trunk Sanitary Sewer Charges. 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.

[END OF TITLE III]

TITLE IV - DISCHARGE PERMITS

CHAPTER 1 - PROHIBITED DISCHARGES

Section 1.01 General Discharge Prohibitions.

1. 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.

2. 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.

3. 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.

4. 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.

5. 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 CVO.

6. 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.

7. 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.

8. Connection with a cesspool or a privy vault shall not be made into a sanitary, combined, or storm sewer.

9. 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.

10. 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.

Section 1.02 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.

Section 1.03 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.

Section 1.04 Enforcement.

1. 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.

2. If any wastewater or water being discharged to the WPCC has any of the characteristics mentioned in Section 1.02 above or exceed the limits established in this Chapter 1, the CUO may:

- a. Reject the wastewater or water.
- b. Require the user to pretreat or modify the wastewater or water to acceptable condition before discharging into a public sewer.

3. If any wastewater or water being discharged to the WPCC exceeds the limits established in Section 2.02 (b), the CUO may:

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

4. 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).

Section 1.05 Specific Pollutant Limitations.

1. 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:

<u>Parameter</u>	<u>ug/l</u>	
	<u>Max. Daily Concentration</u>	<u>30 Day Average</u>
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.

2. 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:

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

Section 1.06 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.

Section 1.07 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.

Section 1.08 Right of 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.

Section 1.09 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.

Section 1.10 Prevention of Accidental Discharges.

1. 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.

(a) 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.

(b) The SPCC Plan shall include the following:

(i) Description of discharge practices, including non-routine batch discharges;

(ii) Description of stored chemicals;

(iii) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under Section 1.02 of Title IV, with procedures for follow-up written notification within five days;

(iv) 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.

(c) 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.

2. 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.

3. 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.

4. The CUO shall be notified at least 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.

Section 1.11 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 24 hours of becoming aware of the upset at Avon Lake Regional Water offices.

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.

CHAPTER 2 - PERMIT ADMINISTRATION

Section 2.01 Industrial Pretreatment Permit Requirements.

1. 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.

2. 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.

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

4. 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.

5. 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.

Section 2.02 Permit Application.

1. 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:

a. Name, address, and location (if different from the address);

b. Standard Industrial Classification (SIC) code of both the industry as a whole and any processes for which federal categorical standards have been promulgated;

c. Wastewater constituents and characteristics including any federal, state, or local standards. Sampling and analysis will be undertaken in accordance with 40 CFR Part 136;

(1) Sampling shall be representative of daily operations

(2) When BMPs apply, documentation must be submitted to determine compliance with the standard

d. Time and duration of the discharge;

- e. Daily maximum, daily average, and monthly average wastewater flow rates, including daily, monthly, and seasonal variations, if any;
- f. 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;
- g. 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;
- h. Each product produced by type, amount, process or processes and rate of production;
- i. Type and amount of raw materials processed (average and maximum per day);
- j. Number and type of employees and hours of operation, and proposed or actual hours of operation of the pretreatment system;
- k. A list of other environmental control permits;
- l. 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:

(1) 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;

(2) 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.

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

3. All plans required in Section 2.03 must be certified for accuracy by a State registered professional engineer.
4. All applications shall contain the certification statement required by Section 3.03 of Title IV.
5. All applications shall be signed as required by Section 3.04 of Title IV.
6. 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.

Section 2.03 Pretreatment Permit Contents.

1. 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:
 - a. Limits on the average and/or maximum rate of discharge, and/or requirements for flow regulation and equalization;
 - b. Limits on the average and/or maximum concentration, mass, or other measure of identified wastewater constituents or properties;
 - c. 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;
 - d. 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 1.10 of Title IV);
 - e. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
 - f. Requirements for installation and maintenance of inspection and sampling facilities;
 - g. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules;
 - h. Compliance schedules;
 - i. Requirements for submission of technical reports or discharge reports;
 - j. 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;

k. 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);

l. Requirements for the notification of any change in the manufacturing and/or pretreatment process used by the permittee;

m. Requirements for notification of excessive, accidental, or slug discharges;

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

o. 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.

Section 2.04 Permit Issuance Process.

1. 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.

2. 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.

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

b. 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.

c. 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.

d. The Board of Municipal Utilities' decision not to reconsider a final permit shall be considered final administrative action for purposes of judicial review.

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

3. Permit Action. The CUO may modify the permit for good cause including, but not limited to, the following:

a. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

b. 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.

c. A change in any condition in either the industrial user or the POTW elimination of the authorized discharge;

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

e. Violation of any terms or conditions of the permit;

f. Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting;

g. Revision of or a grant of variance from such categorical standards pursuant to 40 CFR 403.13; or

h. To correct typographical or other errors in the permit;

i. To reflect transfer of the facility ownership and/or operation to a new owner/operator;

j. 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.

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

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

b. The notice must include a written certification by the new owner which:

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

(2) Identifies the specific date on which the transfer is to occur;

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

5. Permit Termination. Pretreatment permits may be terminated for the following reasons:

a. Falsifying self-monitoring reports;

b. Tampering with monitoring equipment;

- c. Refusing to allow timely access to the facility premises and records;
- d. Failure to meet effluent limitations;
- e. Failure to pay fines;
- f. Failure to pay sewer charges;
- g. Failure to meet compliance schedules.

6. 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.

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

- a. 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;
- b. 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.

8. 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:

- a. Pass-through or interference;
- b. Endanger municipal employees or the public.

Section 2.05 Significant Industrial User ("SIU"). Notwithstanding any other provision of these Regulations, Significant Industrial Users shall be subject to the following requirements:

1. 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 90 days after the commencement of discharge.

2. 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 Title IV with actual production, flow, and pollutant data. The forms for this report will be supplied by the CUO.

3. 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.

4. A determination of significant noncompliance shall automatically institute the appropriate enforcement and penalty actions as outlined in Title V of these Regulations.

5. 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.

CHAPTER 3 - 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.

Section 3.01 General Conditions.

1. **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.
2. **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:
3. **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.
4. **Permit Modifications.** The discharge permit may be modified in accordance with Chapter 2 of Title IV.
5. **Permit Termination.** The discharge permit may be terminated pursuant to the conditions of Chapter 2 of Title IV.
6. **Permit Appeals.** The permittee may petition to appeal the terms of the permit within thirty (30) days of the notice.

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 Chief of Utility Operations, the Board determines that reconsideration is proper, it shall remand the permit back to the Chief of Utility Operations for reconsideration and possible reissuance. Those permit provisions being reconsidered by the Chief of Utility Operations shall be stayed pending reissuance.

The Board of Municipal Utilities' 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.

7. **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 Chapter 2 of Title IV.

8. 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 90 days before the expiration date of the existing permit.

9. Continuation of Expired Permits. An expired permit will continue to be effective and enforceable in accordance with Chapter 2 of Title IV.

10. 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.

11. 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.

12. General Discharge Prohibitions. The permittee shall comply with all the general prohibitive discharge standards in these Regulations.

13. 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.

Section 3.02 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.”

Section 3.03 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:

1. 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

(a) 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

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

(i) 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;

(ii) 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

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

2. A general partner or proprietor if the Industrial User submitting the reports is a partnership or sole proprietorship respectively;

3. 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

4. By a member or manager if the applicant is a limited liability company.

Section 3.04 Operation and Maintenance of Pollution Controls.

1. 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.

2. 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.

3. Bypass of Treatment Facilities.

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

b. 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.

c. Notification of bypass:

(1) 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 Chief of Utility Operations,

(2) 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:

(i) A description of the bypass, its cause and duration;

(ii) Whether the bypass has been corrected; and

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

4. 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).

Section 3.05 Monitoring and Records.

1. 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 Chief of Utility Operations. 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.

2. 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 Chief of Utility Operations.

3. 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.

4. 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.

a. 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.

b. 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.

5. 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.

6. Inspection and Entry. The permittee shall allow the Chief of Utility Operations or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

a. 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;

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

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

d. Sample or monitor, for the purposes of assuring permit compliance, any substances or parameters at any location; and

e. 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.

7. Retention of Records.

a. 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 Chief of Utility Operations at any time.

b. 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.

8. Record Contents. Records of sampling and analyses shall include:

a. The date, exact place, time, and methods of sampling or measurements, and sample preservation techniques or procedures;

b. Who performed the sampling or measurements;

c. The date(s) analyses were performed;

d. Who performed the analyses;

e. The analytical techniques or methods used;

f. The results of such analyses; and

g. The documentation showing chain of custody.

9. 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.

Section 3.06 Additional Reporting Requirements

1. Planned Changes. The permittee shall give notice to the Chief of Utility Operations 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).

2. Anticipated Noncompliance. The permittee shall give a 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.

3. Automatic Resampling. If the results of the permittee's wastewater analysis indicates a violation has occurred, the permittee must notify the Chief of Utility Operations within 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 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.

4. Duty to Provide Information. The permittee shall furnish to the Chief of Utility Operations within 30 days any information which the Chief of Utility Operations 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 Chief of Utility Operations within thirty (30) days copies of any records required to be kept by the permit.

5. 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 Chief of Utility Operations within 24 hours of becoming aware of the upset.

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

- a. Description of the upset, the cause(s) thereof, and the upset's impact on the permittee's compliance status;
- b. Duration of noncompliance, including exact dates and times of noncompliance, and if not corrected, the anticipated time the noncompliance is expected to continue; and
- c. 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.

6. 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 Chief of Utility Operations in a daily newspaper within the service area. Significant noncompliance shall be determined in accordance with Title V of these Regulations.

7. 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 Chief of Utility Operations shall bill the permittee for the costs incurred by the City for any cleaning, repair, or replacement work caused by the violation or discharge.

8. 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 IV]

TITLE V - ENFORCEMENT

CHAPTER 1 - PENALTIES AND DEFENSE

Section 1.01 Judicial Remedies. If any person or entity violates any provision of Title II-Water System, Title III-Sewers or Title IV-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 Chief Utilities Executive may commence an action against such person or entity for appropriate legal and/or equitable relief in the Common Pleas Court for Lorain County.

Section 1.02 Injunctive Relief. Whenever a person or entity violates any provision of Title II-Water System, Title III-Sewers or Title IV-Discharge Permits, or violates or continues to violate any of the provisions of these Regulations or any permit or order issued hereunder, the Chief Utilities Executive may petition the Court for the issuance of a preliminary or permanent injunction or both, as may be permitted by the Ohio Revised Code, which restrains or compels the activities on the part of the person or entity.

Section 1.03 Civil Penalties.

1. Any person or entity violates any provision of Title II-Water System, Title III-Sewers or Title IV-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 Avon Lake Regional Water for a civil penalty of not more than one thousand dollars (\$1,000.00) per violation, to be assessed by the Chief Utilities Executive, plus actual damages incurred by Avon Lake Regional Water, for as long as the violation continues. In addition to the above described penalty and damages, Avon Lake Regional Water may recover attorney's fees, court costs, and all other expenses associated with all such enforcement activities, including sampling and monitoring expenses.

2. Avon Lake Regional Water 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, Avon Lake Regional Water 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.

Section 1.04 Criminal Penalties.

1. 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 not to exceed 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.

2. 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 not more than 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.

Section 1.05 No Waiver. The Board, the CUE, or the CUO 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 Chapter. The failure or delay by the Board to enforce any of these Regulations shall not operate as a waiver or otherwise preclude the Board's enforcement of these Regulations at a later time, subject to the applicable statute of limitations. Additionally, no waiver shall be enforceable against the Board unless such waiver is in writing and signed by a duly authorized person.

Section 1.06 Affirmative Defenses.

1. 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 Chief of Utility Operations 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 the Chief Utilities Executive 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.

2. 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 the Chief of Utility Operations as described in subparagraph b below.

b. Industrial users must provide immediate notice to the Chief of Utility Operations upon discovery of an unanticipated bypass. If necessary, the Chief of Utility Operations 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 the Chief of Utility Operations at least 10 days in advance. The Chief of Utility Operations may only approve the anticipated bypass if the circumstances satisfy those set forth in this Section.

Section 1.07 Notification of Violation.

1. Whenever the Chief Utilities Executive or the Chief of Utility Operations finds that any person or entity has violated or is violating any provision of Title II-Water System, Title III-Sewers or Title IV-Discharge Permits, or violates or continues to violate any of the provisions of these Regulations or any permit or order issued under these Regulations, the Chief Utilities Executive 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 the Board, and an explanation of the recipient's required actions pursuant to these Regulations.

2. Within thirty (30) days of the receipt of the notice, the notified person or entity shall submit in writing to the Chief Utilities Executive, 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.

3. 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.

4. A Notice of Violation containing any violation of Chapter 3734 of the Ohio Revised Code shall also comply with the requirements of Section 3734.101(B) of the Ohio Revised Code, 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.

Section 1.08 Show Cause Hearing.

1. Any person who or entity which has been cited for a violation and upon whom the Chief of Utility Operations 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.

2. 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).

3. 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 the Chief of Utility Operations 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.

4. 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.

Section 1.09 Consent Orders.

1. In order to assure correction of a violation, the Chief Utilities Executive may enter into a Consent Order with the person or entity responsible for the noncompliance.

2. 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 the CUE.

Section 1.10 Compliance Orders.

1. When the CUE finds that a person or entity has violated or continues to violate these Regulations or a permit or order issued hereunder, he may issue a Compliance Order to the responsible person or entity directing that, following a specific time period, sewer or water 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.

2. All Compliance Orders shall include the opportunity for the appropriate person or entity to show cause in accordance with this Chapter.

3. 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).

Section 1.11 Cease and Desist Orders. When the CUE finds that a person or entity has violated or continues to violate these Regulations or any permit or order issued hereunder, the CUE may issue an order to cease and desist all such violations and direct the person or entity in noncompliance to:

1. Comply with these Regulations immediately; and

2. 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.

Section 1.12 Emergency Suspensions.

1. The CUE Operations 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. The Chief of Utility Operations 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.

2. The CUE 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 24 hours after notice of proposed termination has been delivered and provided that reasonable access continues to be refused.

3. The CUE shall have the authority to terminate the service of any user who makes a new connection to the public sewer system without authorization by the CUE or his designee. Such termination shall take place no sooner than 24 hours after written notice of the proposed termination to the user.

4. After taking any of the actions described in subparagraphs (1), (2), or (3) of this Section, the CUE 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.

5. If a user upon whom the notice prescribed by this Section refuses to receive said notice, then written notice shall not be required, provided that notice is given to the extent possible under the circumstances. For the purposes of subparagraphs (2) and (3) of this Section, the time of notice shall be the time receipt of notice was refused.

Section 1.13 Termination of Service.

1. If an Order referenced in these Regulations is not complied with in accordance with its terms, then the CUE shall terminate service to that person within 24 hours of notice given to the affected user regarding the scheduled termination. Notice shall be given in accordance with this Chapter.

2. Service terminated in accordance with subparagraph (1) of this Section shall not be restored until the above referenced Order is complied with and the appropriate reconnection charge and applicable fine, if any, are paid, or as the Board may direct in a subsequent Order.

3. 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.

Section 1.14 Annual Publication of Significant Violations. The Chief of Utility Operations 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, as defined below, with any provisions of these Regulations or any permit or order issued hereunder during the period since the previous publication.

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 Section 1.14 items 1.c, 1.d, or 5 below.

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 the CUO 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 V.

CHAPTER 2 - AMNESTY POLICY

Section 2.01 Amnesty Program for In-ground Lawn Sprinkling Systems. To encourage compliance with these Regulations, and for the purpose of bringing the public water and sewer systems in Avon Lake into full compliance with these Regulations and applicable laws and to assure the safety, health and welfare of Avon Lake residents, the Board may offer an amnesty program in April of each year to persons who have violated Section 1.19 of Title II of these Regulations. The amnesty program shall last no longer than 31 days and offer no more than a forgiveness of the \$1,000 fine if the system becomes registered within the amnesty program period. To announce such amnesty program, the Board shall include with the April billing a notification stating the terms and conditions of the amnesty program, including but not limited to persons eligible for the amnesty program and the dates the amnesty period begins and ends. Upon written request, the Chief Utilities Executive for good cause shown may extend the amnesty program period for a specified period of time not to exceed 30 days. (Amended 4-6-09)

Section 2.02 Amnesty Program for Delinquent Accounts. To encourage users to pay on past-due Avon Lake Regional Water accounts and to increase the revenue of Avon Lake Regional Water, the Board may offer an amnesty program no more often than every other calendar year in even numbered years to persons who have past due water and/or sewer charges. Such amnesty program for delinquent accounts shall be on terms and conditions as determined by the Board, which terms and conditions shall be advertised in a newspaper of general circulation serving Avon Lake.

Section 2.03 Other Amnesty Programs. To encourage compliance with these Regulations and to assure the safety, health, and welfare of Avon Lake residents, the Board may offer any other 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 in a newspaper of general circulation serving Avon Lake.

CHAPTER 3 - COLLECTION ACTIONS

Section 3.01 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 of Municipal Utilities (“Charge”), shall be subject to collection pursuant to these Regulations. Should a Charge remain unpaid thirty (30) days after notification as required by Section 3.02 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 Ohio Revised Code, whichever is later, then the Chief Utilities Executive 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.

Section 3.02 Notice Required. Collection action for payment of any Charge may not begin until thirty (30) days after the Chief Utilities Executive has mailed a statement of said Charge to the person or entity at the last known address of the person or entity.

Section 3.03 Remedies Non-Exclusive. The rights and remedies set forth in this Chapter 3 of Article V shall be in addition to all other rights and remedies available to the Board in connection with the collection of any Charge (as defined in Section 3.01 of Article V hereof).

[END OF TITLE V]

TITLE VI - FINANCIAL MANAGEMENT

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

CHAPTER 1 - FINANCIAL MANAGEMENT

Section 1.01 Separate Funds. There is hereby created and established and ordered to be maintained in the custody of the Director of Finance 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 City:

1. 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 the City. All monies received in connection with the operation and maintenance of the water lines and appurtenances thereto owned or operated by the City 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 City's water lines and appurtenances thereto shall be paid from deposits made into the Municipal Utilities Water Fund.

2. 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 the City. All monies received in connection with the operation and maintenance of the sewer lines and appurtenances thereto owned or operated by the City 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 City's sewer lines and appurtenances thereto shall be paid from deposits made into the Municipal Utilities Sewer Fund.

3. 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 the City (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.

4. **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 Chief Utilities Executive or the Chief of Utilities Operations 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:

i. **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 Chief Utilities Executive.

ii. **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 Chief Utilities Executive.

iii. **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 Chief Utilities Executive.

iv. **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 Chief Utilities Executive.

v. **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 Chief Utilities Executive.

vi. **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 City's 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 Chief Utilities Executive.

vii. **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 Chief Utilities Executive.

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

i. **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 Chief Utilities Executive.

ii. **Trunk Sanitary Sewer 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 Chief Utilities Executive.

iii. **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 Chief Utilities Executive.

iv. **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 Chief Utilities Executive.

v. **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 Chief Utilities Executive.

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:

i. **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 Chief Utilities Executive.

ii. **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 Chief Utilities Executive.

5. Investment of Deposits. The Director of Finance as custodian for the Board may from time to time, invest, 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 Ohio Revised Code Chapter 135.

6. Transfers of Deposits. 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

7. 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.

b. The Chief Utilities Executive has signed an invoice or a voucher evidencing (i) the Board's authorization to transfer such money, (ii) the exact amount of money to be transferred, (iii) the account or subaccount from which to make the transfer, and (iv) the person or entity to whom the transfer is to be made.

8. Recordkeeping of Deposits. 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 Chief of Utility Operations 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. The 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. Within seven (7) calendar days after the end of each calendar month, the monthly transaction report. (Amended 5-5-08)

Section 1.02 Fund Transfers.

1. The Chief Utilities Executive 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.

2. 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.

Section 1.03 Budget Submittal And Rate Review.

During the first calendar quarter of each year, the Chief Utilities Executive shall prepare a budget for that calendar year. The budget document shall contain the following information:

1. Actual expenses for the preceding year, including debt payments, fund transfers, and revenue received.

2. Projected expenses, including debt, fund transfers, and fund repayments, if any, and projected revenue.

3. 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.

Section 1.04 Accounting System.

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

Section 1.05 Investment of Deposits.

The Director of Finance 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. The Ohio Uniform Depository Law as contained in Ohio Revised Code Chapter 135 shall be used as a guideline. Additionally:

1. 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.

2. 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 all Municipal Utilities. Pledging of collateral as required by the Ohio Revised Code 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:

a. 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.

b. 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.

Section 1.06 Transfers of Deposits.

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:

1. The Board, by a majority vote, has authorized such transfer or expenditure.
2. The Chief Utilities Executive has signed an invoice or a voucher evidencing (i) the Board's authorization to transfer such money, (ii) the exact amount of money to be transferred, (iii) the account or subaccount from which to make the transfer, and (iv) the person or entity to whom the transfer is to be made.

Section 1.07 Recordkeeping of Deposits.

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 Chief of Utility Operations 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. The Director of Finance's recordkeeping shall include at least the following reports, which shall be made available to the Board immediately upon request:

1. To be finalized within sixty (60) days after the end of each calendar year, the annual budget report.
2. To be finalized within thirty (30) days after the end of each calendar quarter, the quarterly budget report.

Within seven (7) calendar days after the end of each calendar month, the monthly transaction report.

[END OF TITLE VI]

TITLE VII - CONSTRUCTION CONTRACTS

CHAPTER 1 - COMPETITIVE BIDDING

Section 1.01 Generally.

1. When any expenditure in excess of Twenty-Five Thousand Dollars (\$25,000) is to be made by the Board for the construction, demolition, alteration, repair or reconstruction of an improvement by contract, the contract shall be in writing with the lowest and best responsible bidder, as determined by the Board.

2. All bids shall include a bid guaranty or other such requirements as the Board shall specify in the advertisement to bidders or the specifications.

3. The Board may include in the specifications liquidated damages for each day of delay beyond a specified date.

4. If the work bid embraces both labor and material, the Board may specify whether such items shall be separately stated with the price thereof in the specifications.

5. None of the Ohio Revised Code provisions relating to competitive bidding shall apply to the competitive bidding process to be followed by the Board in awarding a public works contract to be entered into by the City through the Board of Municipal Utilities, unless such provisions are specifically and affirmatively incorporated by the terms of these Regulations or the applicable bid package, plans, and specifications.

6. The competitive bidding process for all public works contracts to be entered into by the City through the Board of Municipal Utilities shall be governed solely by the requirements set forth in these Regulations and in the bid package, plans, and specifications for the applicable project. (Rev. 4-2-12)

Section 1.02 Advertising for Bids.

1. The Board shall award any such contract only after advertising once a week (for not less than 2 nor more than 4 consecutive weeks) in a newspaper of general circulation in the City.

2. In the alternative, the Board may cause notice to be inserted in trade papers or other publications designated by it or to be distributed by electronic means, including posting the notice on the City's Internet web site. If the Board posts the notice on the City's web site, it may eliminate the second notice otherwise required to be published in a newspaper of general circulation within the City, provided that the first notice published in such newspaper meets all of the following requirements:

- a. It is published at least two weeks before the opening of bids.
- b. It includes a statement that the notice is posted on the City's internet web site.
- c. It includes the internet address of the City's internet web site.

d. It includes instructions describing how the notice may be accessed on the City's internet web site.

Section 1.03 Procedure for Awarding Bids.

1. The bids shall be opened and shall be publicly read by the person designated by the Board at the time, date and place specified in the advertisement to bidders or the specifications. The time, date and place of bid opening may be extended to a later date by the Board, provided that written or oral notice of the change shall be given to all persons who have received or requested specifications prior to the original time and date fixed for the opening.

2. If the Board determines that the award of a contract to the lowest or lowest 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 all bids and advertise for other bids. The advertisement for other bids shall be for such time, in such form, and in such newspaper or by electronic means as the Board determines.

CHAPTER 2- DESIGN-BUILD CONTRACTS

Section 2.01 Generally.

1. Notwithstanding anything to the contrary in the Ohio Revised Code or in the Regulations of the City, when any expenditure in excess of Twenty-Five Thousand Dollars (\$25,000) is to be made by the Board for the construction, demolition, alteration, repair or reconstruction of an improvement by contract and the Board determines that it is in the best interests of the City to use a design-build delivery system, the Board shall engage an architect or engineer to prepare partial plans and specifications for the improvement.
2. An architect or engineer who prepares partial plans and specifications for an improvement shall not provide any services for the improvement to any person other than the Board.
3. The bids shall include a bid guaranty meeting the requirements of section 153.54 of the Ohio Revised Code or such other requirements as the Board shall specify in the advertisement to bidders or the specifications.
4. The Board may include in the specifications a prorated penalty for each day of delay beyond a specified date.
5. If the work bid embraces both labor and material, the Board may specify whether such items shall be separately stated with the price thereof in the specifications.
6. Any provision of the Ohio Revised Code which relates to the bidding or terms of contracts for the construction, demolition, alteration, repair or reconstruction of an improvement, and which may be altered or waived by the City, may be altered or waived by the Board in the specifications.

Section 2.02 Advertising for Bids.

1. The Board shall advertise the design-build contract once a week (for not less than 2, nor more than 4) consecutive weeks in a newspaper of general circulation in the City.
2. The advertisement shall include a general description of the improvement, a statement of the design-build services required and a description of the qualifications required, and shall indicate how design-build firms may submit statements of qualifications in order to be considered for the contract.
3. The Board may also cause notice to be inserted in trade papers or other publications designated by it or to be distributed by electronic means, including posting the notice on the City's Internet web site. If the Board posts the notice on the City's web site, it may eliminate the second notice otherwise required to be published in a newspaper of general circulation within the City, provided that the first notice published in such newspaper meets all of the following requirements:
 - a. It is published at least two weeks before the opening of bids.
 - b. It includes a statement that the notice is posted on the City's internet web site.

- c. It includes the internet address of the City's Internet web site.
- d. It includes instructions describing how the notice may be accessed on the City's internet web site.

Section 2.03 Procedure for Awarding Bids.

1. The Board shall evaluate the statements of qualifications received and may hold discussions with individual design-build firms. Following the evaluation, the Board shall:

- a. Select and rank not fewer than three design-build firms that the Board considers to be the most qualified to provide the required design-build services, except that when the Board determines that fewer than three qualified design-build firms have submitted statements of qualifications, the Board shall rank those design-build firms or may advertise for other statements of qualifications, which advertisement shall be for such time, in such form, and in such newspaper or by electronic means as the Board determines.

- b. Issue to each design-build firm selected under paragraph a., above, an invitation to bid containing:

- i. The partial plans and specifications for the improvement;
- ii. An estimated project schedule;
- iii. A description of design services to be provided;
- iv. A description of preconstruction services to be provided;
- v. A description of construction services to be provided;
- vi. A form of design-build contract; and

- vii. An invitation to bid showing the total contract price and the portions of the total contract price for design, preconstruction and construction services.

- c. Receive bids from the selected design-build firms which include:

- i. A list of key personnel, consultants and subcontractors for the improvement and a staffing chart;

- ii. Design concepts for completing the partial plans and specifications;

- iii. A preliminary design and construction schedule;

- iv. The total contract price and portions of the total contract price for design, preconstruction and construction services.

d. Evaluate the submitted bids and may hold discussions with the lowest responsive design-build firm to further investigate its bid including scope, nature and cost of the proposed services and potential technical approaches to the design and construction of the improvement.

e. Award the contract to the lowest and best responsible bidder as determined in the discretion of the Board.

2. If the Board determines that the award of a contract to the lowest or lowest responsive bidder is not in the best interests of the City, the Board may accept another bid which the Board determines in its discretion to be from the lowest and best responsible bidder in accordance with paragraph d. above or reject any and all bids and advertise for other statements of qualifications, which advertisement shall be for such time, in such form, and in such newspaper or by electronic means as the Board determines.

CHAPTER 3 - CONSTRUCTION MANAGER AT RISK

Section 3.01 Generally.

1. Notwithstanding anything to the contrary in the Ohio Revised Code or in the Regulations of the City, when any expenditure in excess of Twenty-Five Thousand Dollars (\$25,000) is to be made by the Board for the range of services that a construction manager at risk may provide for the planning, coordination, management, direction, or construction of any or all phases of a project for the construction, demolition, alteration, repair or reconstruction of an improvement by contract and the Board determines that it is in the best interests of the City to use a construction manager at risk delivery system, the Board shall engage a construction manager at risk to perform such services as the Board may specify for the improvement.

2. A construction manager at risk who is engaged by the Board to perform such services for an improvement shall not provide any services for the improvement to any person other than the Board.

3. Before entering into a contract to employ a construction manager at risk, the Board or its designee shall advertise notice of its intent to employ a construction manager at risk. The notice shall invite interested parties to submit proposals for consideration. The Board or its designee may also notify persons believed to be interested in employment as a construction manager at risk by such means and method as the Board or its designee might direct.

4. Any provision of the Ohio Revised Code which relates to notice of accepting bids or proposals for construction manager at risk services or the selection of or a contract with a construction manager at risk for the performance of any construction management services relating to any improvements is waived by the Board.

Section 3.02 Advertising for Qualifying Proposals.

1. The Board or its designee shall advertise the request for proposals for the construction manager at risk contract once a week, for not less than two nor more than four consecutive weeks, in a newspaper of general circulation in the City.

2. The advertisement shall include a general description of the improvement, a statement of the construction management services required, and a general description of the qualifications required, and shall indicate how construction managers at risk may submit statements of qualifications to be considered for the contract.

3. The Board or its designee may also cause notice to be inserted in trade papers or other publications designated by it or to be distributed by electronic means, including posting the notice on the City's Internet web site. If the Board or its designee posts the notice on the City's web site, it may eliminate the second notice otherwise required to be published in a newspaper of general circulation within the City, provided that the first notice published in such newspaper meets all of the following requirements:

a. It is published at least two weeks before the opening of proposals and statements of qualifications.

- b. It includes a statement that the notice is posted on Avon Lake Regional Water's web site.
- c. It includes the internet address of the web site.
- d. It includes instructions describing how the notice may be accessed on the web site.

Section 3.03 Procedure for Pricing Proposals.

1. The Board or its designee shall evaluate the statements of qualifications received and may hold discussions with individual construction managers at risk regarding such statements. Following the evaluation, the Board or its designee shall:

a. Select and rank not fewer than three construction manager at risk firms that the Board or its designee considers to be the most qualified to provide the required construction management services, except that, when the Board or its designee determines that fewer than three qualified construction manager at risk firms have submitted statements of qualifications, the Board or its designee shall rank those construction manager at risk firms or may advertise for other statements of qualifications, which advertisement shall be for such time, in such form, and in such newspaper or by electronic means as the Board or its designee determines.

b. The Board or its designee shall provide each construction manager at risk selected under paragraph a. of this section with

- (1) A description of the project, including a statement of available design detail;
- (2) An estimated project schedule;
- (3) A copy of the existing partial plans and specifications for the improvement;
- (4) A description of the construction management services to be provided;
- (5) The form of the construction management contract; and
- (6) A request for a pricing proposal.

c. The pricing proposal of each construction manager at risk shall include at least the following regarding the construction manager at risk:

- (1) A list of key personnel for the project;
- (2) A statement of the general conditions and contingency requirements;
- (3) A fee proposal divided into a preconstruction fee, a construction fee, and the portion of the construction fee to be at risk in a guaranteed maximum price.

d. The Board or its designee shall evaluate the submitted pricing proposals and may hold discussions with individual construction managers at risk to explore their proposals further, including the scope and nature of the proposed services and potential technical approaches.

e. After evaluating the pricing proposals, the Board or its designee shall rank the selected construction managers at risk based on its evaluation of the value of each pricing proposal, with such evaluation considering the proposed cost and qualifications.

f. The Board or its designee shall enter into negotiations for a construction management contract with the construction manager at risk whose pricing proposal the Board determines to be the best value under paragraph e. of this section. Contract negotiations shall be directed toward:

(1) Ensuring that the construction manager at risk and the Board or its designee mutually understand the essential requirements involved in providing the required construction management services, including the provisions for the use of contingency funds and the possible distribution of savings in the final costs of the project;

(2) Ensuring that the construction manager at risk will be able to provide the necessary personnel, equipment, and facilities to perform the construction management services within the time required by the construction management contract;

(3) Agreeing upon a procedure and schedule for determining a guaranteed maximum price using an open book pricing method that shall represent the total maximum amount to be paid by the Board or its designee to the construction manager at risk for the project and that shall include the costs of all the work, the cost of its general conditions, the contingency, and the fee payable to the construction manager at risk.

g. (1) If the Board or its designee fails to negotiate a construction management contract with the construction manager at risk whose pricing proposal the Board or its designee determines to be the best value under paragraph e. of this section, the Board or its designee shall inform the construction manager at risk, in writing, of the termination of negotiations.

(2) Upon terminating negotiations, the Board or its designee may enter into negotiations as provided in this section with the construction manager at risk that the Board or its designee ranked next highest under paragraph e. of this section. If the negotiations fail, the Board or its designee may enter into negotiations as provided in this section with the construction manager at risk the Board or its designee ranked next highest under paragraph e. of this section.

(3) If the Board or its designee fails to negotiate a construction management contract with a construction manager at risk whose pricing proposal the Board or its designee determines to be the best value under paragraph e. of this section, the Board or its designee may select additional construction

managers at risk to provide pricing proposals to the Board or its designee pursuant to this section or may select an alternative delivery method for the project.

h. If the Board or its designee and construction manager at risk fail to agree on a guaranteed maximum price, nothing in this section shall prohibit the Board or its designee from allowing the construction manager at risk to provide the management services that a construction manager is authorized to provide.

i. Nothing in this section affects the Board's or its designee's right to accept or reject any or all proposals in whole or in part.

[END OF TITLE VII]

SCHEDULE A

WATER TURN-ON CHARGES

(revised 1/21/14)

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	=	\$35.00
4:30 pm – 8:30 pm *	=	\$50.00
Non-working hours & Weekends	=	\$75.00

*On shut-off day

SCHEDULE B

WATER METER RATES

Meter Rates – Quarterly (revised 1/1/08)

- First 20,000 gallons @ \$1.19 per thousand gallons
- Next 30,000 gallons @ \$1.10 per thousand gallons
- Next 200,000 gallons @ \$1.02 per thousand gallons
- Next 250,000 gallons @ \$0.93 per thousand gallons
- Next 500,000 gallons @ \$0.84 per thousand gallons

Meter Rates – Quarterly Effective 7/1/11 per Board of Municipal Utilities Meeting 12/23/10

- First 50,000 gallons @ \$1.37 per thousand gallons
- Next 200,000 gallons @ \$1.15 per thousand gallons
- Next 250,000 gallons @ \$0.95 per thousand gallons

Meter Rates – Quarterly Effective 7/1/12 per Board of Municipal Utilities Meeting 12/23/10

- First 50,000 gallons @ \$1.55 per thousand gallons
- Next 200,000 gallons @ \$1.28 per thousand gallons
- Next 250,000 gallons @ \$1.06 per thousand gallons

Meter Rates – Quarterly Effective 7/1/13 per Board of Municipal Utilities Meeting 12/3/12

- First 50,000 gallons @ \$1.61 per thousand gallons
- Next 200,000 gallons @ \$1.33 per thousand gallons
- Next 250,000 gallons @ \$1.10 per thousand gallons

Meter Rates – Quarterly Effective 7/1/14 per Board of Municipal Utilities Meeting 12/3/12

- First 50,000 gallons @ \$1.68 per thousand gallons
- Next 200,000 gallons @ \$1.38 per thousand gallons
- Next 250,000 gallons @ \$1.15 per thousand gallons

Meter Rates – Quarterly Effective 7/1/15 per Board of Municipal Utilities Meeting 12/2/14

First 50,000 gallons @ \$1.73 per thousand gallons

Next 200,000 gallons @ \$1.42 per thousand gallons

Next 250,000 gallons @ \$1.18 per thousand gallons

Meter Rates – Quarterly Effective 7/1/16 per Board of Municipal Utilities Meeting 12/2/14

First 50,000 gallons @ \$1.78 per thousand gallons

Next 200,000 gallons @ \$1.46 per thousand gallons

Next 250,000 gallons @ \$1.22 per thousand gallons

Meter Rates – Quarterly Effective 7/1/17 per Board of Municipal Utilities Meeting 12/20/16

First 50,000 gallons @ \$1.85 per thousand gallons

Next 200,000 gallons @ \$1.52 per thousand gallons

Next 250,000 gallons @ \$1.27 per thousand gallons

Meter Rates – Quarterly Effective 7/1/18 per Board of Municipal Utilities Meeting 12/20/16

First 50,000 gallons @ \$1.92 per thousand gallons

Next 200,000 gallons @ \$1.58 per thousand gallons

Next 250,000 gallons @ \$1.32 per thousand gallons

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%.

Pool Filling _____ (revised 6/21/07)

Customer requests for the filling of swimming pools shall be scheduled with Avon Lake Regional Water for such times as Avon Lake Regional Water personnel are available and shall be charged on a time and material basis.

SCHEDULE C

NEW LINE TESTING FEE SCHEDULE

New Water Lines (revised 1/21/14)

Fill the Line *	\$335.00
Flushing and Bacteria Sampling *	\$750.00
Bacteria Check Sample *	\$350.00
Put Line in Service	\$145.00
Laboratory Analysis (price reflects "per sample" cost)	\$40.00

* 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%.

New Sanitary Sewers (revised 1/21/14)

Review Inspection Video	\$135.00
Installation and Removal of Plug	\$645.00

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 Line Testing Fee 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.

- Camera shall be of the pan-and-tilt type with sufficient illumination and focus to adequately view the pipe's condition and alignment.
- Both the videotape narrative and written report shall call out all observed defects by measured location.
- 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.

SCHEDULE D

FEE SCHEDULE 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 E

METER TESTING FEES

(revised 2/19/02)

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\$40.00

1-1/4" to 2" Meters Time and Material

Should any Avon Lake Regional Water customer 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 American Water Works Association water meter accuracy standards, then there will be no charge to the customer requesting such test. If, however, the meter tests accurate by the same American Water Works Associations standards, then all costs associated with such testing procedure plus a 10% administrative fee shall be billed to the customer. 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 customer or the customer's agent shall be present to witness said test. Failure of the customer 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 F

WATER LINE INSPECTION FEE

(revised 1/21/14)

Water mains installed on private property that are to become Avon Lake Regional Water's shall be subject to an inspection fee based on the following:

\$100.00 – Minimum for first 100 feet

80¢ per lineal foot beyond 100 feet

SCHEDULE G

TAP CHARGES

(revised 1/21/14)

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"	\$	1400.00
3/4" Sprinkling.....	\$	1230.00
1"	\$	1600.00
1" Sprinkling.....	\$	1410.00
1-1/2"	\$	1700.00
*2"	\$	3775.00
*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 1-1/2" 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 office and payment of fees for the size service received according to the following:

3/4"	\$	675.00
3/4" Sprinkling.....	\$	640.00
1"	\$	800.00
1" Sprinkling.....	\$	760.00

*1-1/2" \$ 525.00

*2" \$ 1825.00

*Over 2"Time and Material plus Overhead

*For all services 1-1/2" 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.

SCHEDULE H

SEWER SERVICE CHARGES

(revised 4/1/08)

\$8.25 per quarter (\$2.75 per month) + \$2.18 per 1,000 gallons

Effective 7/1/11 per Board of Municipal Utilities Meeting 12/23/10

\$8.25 per Bill + \$2.51 per 1,000 gallons

Effective 7/1/12 per Board of Municipal Utilities Meeting 12/23/10

\$8.25 per Bill + \$2.84 per 1,000 gallons

Effective 7/1/13 per Board of Municipal Utilities Meeting 12/23/10

\$8.25 per Bill + \$3.17 per 1,000 gallons

Effective 7/1/14 per Board of Municipal Utilities Meeting 12/17/13

\$8.25 per Bill + \$3.39 per 1,000 gallons

Effective 7/1/15 per Board of Municipal Utilities Meeting 12/17/13

\$8.25 per Bill + \$3.63 per 1,000 gallons

Effective 7/1/16 per Board of Municipal Utilities Meeting 1/5/16

\$8.25 per Bill + \$4.17 per 1,000 gallons

Effective 7/1/17 per Board of Municipal Utilities Meeting 1/5/16

\$8.25 per Bill + \$4.80 per 1,000 gallons

SCHEDULE I

LABORATORY ANALYSES CHARGES

(revised 1/21/14)

Bacteria (MUG)	\$18.00
Bacteria (New Line)	See Schedule C
Fecal Coliform	\$18.00
Beach/Well Samples	\$20.00
Total Phosphorus	\$17.00
Ammonia Nitrate	\$17.00
Cyanide (Total)	\$36.00
Cyanide (Free)	\$36.00
Oil & Grease	\$70.00
Suspended Solids	\$17.00
Metal (Stand. 10 Metal Analysis)	\$150.00
Metals (Lead & Copper)	\$30.00
Metals (Single)	\$15.00
Nitrate Nitrogen	\$27.00

SCHEDULE J

Copy Charges

(revised 1/21/14)

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

SCHEDULE K

Capacity Fee Charges

(revised 1/9/2018)

Trunk Sanitary Sewer Fee (Residential)	\$2,057.00
Trunk Sanitary Sewer Fee (Industrial/Commercial) (price reflects "per square foot" cost)	\$0.1372
8" Sanitary Front Foot Cost (price reflects "per front foot" cost)	\$72.36

Water Impact Fee	1/1/2012	\$1,560.00
	1/1/2013	\$1,770.00
	1/1/2014	\$1,980.00
	1/1/2015	\$2,190.00
	1/1/2016	\$2,400.00
	1/1/2017	\$2,475.00
	1/1/2018	\$2,481.00 **

**Indexed to Cleveland Construction Cost Index effective 1/1/2017

SCHEDULE L

Existing Services Demolition Permit

(Adopted 5/5/08)

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 M

Foundation Drain Inspection Permits

(revised 1/21/14)

Foundation drain permits shall be subject to a fee of \$50.00.

No charge for the Sanitary Lateral Program (SLP) Project area.