

ORDINANCE NO. 24-42

AN ORDINANCE ESTABLISHING WATER AND SEWER UTILITY RULES AND REGULATIONS

WHEREAS, the Village of Arcanum wishes to establish water and sewer regulations for the provision of water and sewer service by the Village; and

WHEREAS, the Village Administrator and the Utility Committee have reviewed the proposed rules and regulations and recommend that Council adopt the same;

NOW, THEREFORE, BE IT ORDAINED by the Council for the Village of Arcanum, Darke County, Ohio, that the following Water and Sewer Utility Rules and Regulations be adopted:

Table of Contents

WATER AND SEWER UTILITY AGREEMENT RULES AND REGULATIONS

1 SECTION.	General Provisions
2 SECTION.	Service Lines
3 SECTION.	Extension of Main Lines and Sanitary and stormwater sewer Trunks
4 SECTION.	Water Leak Waiver Policy
5 SECTION.	Watering Lawns Related to New Home Construction and Village Street/Utility Improvement Projects
6 SECTION.	Regulating Industrial Process Water
7 SECTION.	Sewage Disposal Requirements
8 SECTION.	Pretreatment of Wastes
9 SECTION.	Sanitary Sewer Surcharges for Excessive Loading
10 SECTION.	Sewer Pretreatment Monitoring
11 SECTION.	Pretreatment Costs
12 SECTION.	Sewer Pretreatment Reporting
13 SECTION.	Fats, Oils, and Grease "FOG"
14 SECTION.	Accidental Discharges
15 SECTION.	Watering Lawns Related to New Home Construction and Village Street/Utility Improvement Projects
16 SECTION.	Access to Premises - Limitations
17 SECTION.	Utility Customers Located Outside of the Village Corporation Limits
18 SECTION.	Requirement for Backflow Prevention
19 SECTION.	Repeal of Conflicting Ordinances
20 SECTION.	Penalty

FORMS:

- **Form A: Water & Sewer Connection Application**
- **Form B: FOG Report**
- **Form C: Backflow Inspection Report**

SECTION ONE:

General Provisions

- a) The rates for the provision of water and sewer service and utility billing or utility service application have been established by a separate ordinance and fee schedule ordinance, which may be amended from time to time.
- b) In the interest of public health, Distribution/Collection Mains, Service Lines, or other Pipes may not be connected with any Main, Service Line, or Piping the Village knows or has reason to believe is associated with any other sources of water or sewage supply, nor may said Distribution/Collection Mains, Service Lines, or other Pipes be connected in any way to pipes, tanks, vats, or other apparatus which contains liquids, chemicals, or any other matter which may flow back into said Distribution/Collection Mains, Service Lines, or other Pipes, and which may endanger or otherwise contaminate the water supply.
- c) The Village shall not be liable for a deficiency of failure regardless of cause (except as a result of willful misconduct) in the supply of water or collection of wastewaters, nor for any damage caused thereby, including, but not limited to, any basement or below-grade

ORDINANCE NO. 24-42

AN ORDINANCE ESTABLISHING WATER AND SEWER UTILITY RULES AND REGULATIONS

flooding, or by the bursting or breaking of any Distribution/Collection Main or Service Line or any attachment to the Distribution/Collection Mains and Service Lines or other facilities used by the Village.

- d) Whenever the Village finds it necessary or convenient to make repairs or improvements to the Village Water and/or Sewer System, it shall have the right to suspend delivery of water and or sewer treatment temporarily. It shall not be liable for any loss or damage occasioned thereby.
- e) Whenever possible, and if time permits, all affected Consumers will be notified by personal contact, Code Red, or news release before such suspension.
- f) The Village shall not be liable for interruptions in water and/or sewer service, shortages or insufficiency of supply or pressure, or any loss or damage if caused by accident, act of God, fire, strikes, riots, war, or other cause.
- g) When the Application is made for the installation of a Service Line using application Form A, or for water or sewer service, or in the reinstatement of water or sewer service, the Village shall be entitled to assume the piping and fixtures to which the service will be supplied are in good order to receive such service. The Village reserves the right to inspect, or cause to have inspected by a third party, said facilities to assure against possible damage and cross-connections.
- h) Water and/or Wastewater Service will not be furnished where pipes are inferior or plumbing is defective. When such conditions are discovered, the water and/or sewage supply may be cut off until repairs are made with no less than 14 days prior written notice by the Village. In those situations where Village Management, in the exercise of professional judgment, determines the supply of water and/or sewage must be cut off immediately due to a severe water leak or sanitary sewer backup, which poses an unsafe condition and a safety and health hazard, no written notification is required to be provided by the Village.
- i) The Village shall limit additional sewer and water connections and/or flow, if sufficient resources are unavailable.
- j) No unauthorized person shall maliciously, willfully, negligently, or for any other reason not listed, break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment part of a public water/wastewater system. Any person violating this provision shall be subject to prosecution, fined \$500.00, and required to make restitution for said damages.
- k) The Village shall have the sole right to determine the size, type, location of water meters, water meter settings, valves, service lines, and connections necessary to provide the service applied for.
- l) Exclusive operating control of all Service lines from Distribution/Collection Main to meter, and meters and meter installation shall always remain with the Village. It shall not be interfered with in any respect.
- m) Any employee, or agent of the Village, seeking access to the Customer's dwelling or structure, shall voluntarily identify himself/herself and shall state the reason for his/her visit. In all cases, the employee, or agent, shall direct himself/herself to a person holding himself/herself out as being responsible for the dwelling or structure/entrance, which will not be sought or gained by subterfuge or force. The Village is responsible for any damage done by its employees when it results from willful misconduct and within the scope of employment.
- n) Village Personnel, in the exercise of their sole discretion, may refuse to enter upon any Customer's Property if such Personnel have concerns about personal safety due to the presence of unrestrained animals, or any other safety issue that may be present on the Property. The Property Owner shall be responsible for any injuries sustained by Village Personnel due to the existence of dangerous conditions existing on the Property.

ORDINANCE NO. 24-42

AN ORDINANCE ESTABLISHING WATER AND SEWER UTILITY RULES AND REGULATIONS

- o) Complaints concerning the character of service furnished, the reading or registration of meters, or bills rendered must be made to the Village's office, either orally or in writing. A record of such complaint will be kept by the Village's office, giving the name and address of the complaint, the date, the nature of the complaint, and the action taken or decision made by the Village in respect to it. The Village shall investigate the complaint and report the results of such investigation to the Customer within (10) business days of the receipt of the complaint. If the complainant is unsatisfied with the results, the Customer may appeal to the Village Utility Committee.
- p) Unless specifically required or prohibited, Village Management shall have the authority to interpret this Ordinance and implement its intent and purpose to provide safe, reliable, and efficient water and sewer service delivery. Village Management shall have the discretion and authority to grant relief from the strict Application of this Ordinance in those situations where Village Management, in the exercise of professional judgment, determines such relief is warranted for the safe, reliable, and efficient operation of the Utility Service.

SECTION TWO

Service Lines

- a) An Application for the installation of a Service Line shall be made by the Customer using the Village Connection Permit form for both water and sanitary sewer service.
- b) The Application for the installation of a Service Line will be accepted subject to the condition that there shall be a Distribution/Collection Main fronting the premises to be served.
- c) Any person applying for a permit to connect to a public wastewater system shall provide, with the Application for said building sewer line permit, sufficient data, as required by the Village, regarding the location, type of wastewater, and amount of flow to be conveyed to the public wastewater system.
- d) Any costs associated with additional public water or sewer system improvements/extensions shall be borne by the person applying for the sewer and water connection permit. A tap fee has been established and is covered under a separate schedule fee ordinance.
- e) A Service Line may not be used to supply more than one premises unless a waiver is granted by the Village.
- f) The Customer shall, at his or her expense, install, maintain, and repair the Service Line located outside of the right-of-way. When a leak in the Service Line is discovered, the Village shall give the Customer a verbal, email, or written notice of the leak. Within such time as set forth in the notice, the Customer must make repairs to the Service Line on the Customer's Property.
- g) If the leak in the Service Line is anywhere from the Distribution/Collection Main to the Customer's portion of the service line, the Village shall undertake such repairs, and the Village will cover the costs of repairs to the Service Line that resides within the right-of-way.
- h) If the leak in the Service Line, in the opinion of the Village, is considered an emergency, the Village may shut off water to the Service Line until such time as the Service Line is repaired.
- i) The Customer is responsible for determining the location of the leak or obstruction. The Customer is responsible for keeping the service line clean and clear of plugs from the Customer's residence/building to the main.
- j) Anytime the Village undertakes an improvement project in the public right-of-way, the Village may replace that portion of the Customer's Service Line located in the public

ORDINANCE NO. 24-42

AN ORDINANCE ESTABLISHING WATER AND SEWER UTILITY RULES AND REGULATIONS

right-of-way at its sole discretion and expense. If the Village opts to replace that portion of the Service Line located in the right-of-way as part of a public improvement project, the Village is not obligated to repair or replace any other portion of the Customer's Service Line.

- k) If a Service Line is to be installed where any portion of the line must pass through Property not owned by an Applicant, the Applicant must assume full responsibility for acquiring the right to pass through such Property and provide written evidence to the Village of obtaining such right to pass through adjacent Property.
- l) The Service Line shall be constructed in compliance with the Village of Arcanum current standards. The Applicant shall leave the trench open and pipe uncovered until it is inspected and approved by a Village representative.
- m) The Distribution Main Line may be installed at the expense of the Applicant. No installation of a Service Line will be made between November 1 and the following April 1 unless the Applicant pays in advance, or agrees to pay with security or assurance satisfactory to the Village any excess cost of installation that may reasonably be attributable to weather and soil conditions existing between said dates. When a Service Line is to be installed in a paved or improved street, the Applicant shall pay the cost of removing and replacing the street surface. In no event shall these provisions require anything more than reimbursement to the Village of the actual incurred cost of connecting the service.

SECTION THREE

Extension of Main Lines and Sanitary and stormwater sewer Trunks

- a) The Village may require the Applicant to construct, at Applicant's expense, any necessary main line, sanitary and stormwater sewer trunk extensions to extend water and/or sewer services to and across the frontage of the Applicant's Property. All Distribution/Collection Main extensions, sewer trunks, and subsequent connections to main extensions shall be made pursuant to written contracts. If the Village requires the Applicant to construct, or otherwise fund the construction of, the Distribution/Collection main or sewer trunk and contribute the Distribution/Collection main or sewer trunk to the Village. The Applicant shall be entitled to a refund, as set forth in the main extension agreement, from each Subsequent Applicant that taps into the main extension or sewer trunk constructed/funded by the Applicant for that portion of the main extension that will make sewage service available to Property abutting the main extension that the Applicant does not own.

- a. Subsequent Applicant Fee

- i. Whenever the owner of any land abutting a main extension or sewer trunk line constructed pursuant to an extension agreement who is not a party to the original extension agreement (hereinafter "Subsequent Applicant") requests to tap the main extension either for a service tap or to extend another main perpendicular to the existing main at any point other than the existing main's terminus, the Subsequent Applicant shall pay a Subsequent Applicant Fee calculated in accordance with the Per Foot Construction Cost Method set forth herein. Each Subsequent Applicant shall pay the Subsequent Applicant Fee to the Village at the time of making the Application for service. The Village shall collect the Subsequent Applicant Fee from the Subsequent Applicant and shall distribute the Subsequent Applicant Fee to the original Applicant as the Village collects it. The Village shall not charge the original Applicant or Subsequent Applicants for collecting the Subsequent Applicant Fee and forwarding it to the original Applicant.
- ii. The Subsequent Applicant will be entitled to a refund payment for future extensions for such period the Subsequent Applicant owns the land across which the extension was placed. Change in ownership of the Property

ORDINANCE NO. 24-42

AN ORDINANCE ESTABLISHING WATER AND SEWER UTILITY RULES AND REGULATIONS

from the original Subsequent Applicant will void any and all refunds.

b. Per Foot Construction Cost Method

- i. The Subsequent Applicant Fee shall be computed by taking the original Applicant's total cost of the main extension and dividing the original cost of shared service or main line between owners.

SECTION FOUR

Water Leak Waiver Policy

If the Customer experiences an unusually high water bill due to a water leak, the Customer may petition the Village for a waiver of the sewer charge portion of the water bill attributable to the leak. The Village Management may grant such a waiver of sewer charges to the extent the Village determines that the water leaked was not discharged into the Village's sanitary sewer system. The Village Management may not grant a waiver for any charges over \$100.00 without Village Council's approval.

SECTION FIVE

Watering Lawns Related to New Home Construction and Village Street/Utility Improvement Projects

- a) The Village agrees to make a one-time reasonable adjustment, at amount to be reasonably determined by the Village, to that portion of sewer charges on a customer's bill due to the watering of a new lawn, whether seed or sod, as a result of the construction of a new home. No adjustment to sewer charges shall be made for lawn watering to repair lawn damage to an existing lawn or to maintain landscaping on the Property.
- b) The Village agrees to make a one-time reasonable adjustment, at amount to be reasonably determined by the Village, to that portion of water and sewer charges on a Customer's bill due to the watering of lawn areas, whether seed or sod, as a result of the restoration of lawn areas in connection with a Village Street or Utility Improvement Project.

SECTION SIX

Regulating Industrial Process Water

- a) Should an industrial or commercial Customer within the Village be engaged in manufacturing procedures that involve substantial amounts of process water, the Customer shall, at his or her own expense, install necessary plumbing and metering to determine the amounts of water consumed that do not require sewage treatment.
- b) Said Customers must be located in the areas designated on the Official Zoning Map of the Village as I-1 or I-2 Zones.
- c) The Village must approve the specific plumbing arrangement and metering equipment used to achieve accurate metering and billing and avoid cross-connections and other sanitary issues.

SECTION SEVEN

Sewage Disposal Requirements

- a) No connection to a public sanitary wastewater system shall be installed, maintained, or operated on any property within the Village of Arcanum without the written permission of the administration of the Village of Arcanum or the duly authorized agent of the Village.

ORDINANCE NO. 24-42

AN ORDINANCE ESTABLISHING WATER AND SEWER UTILITY RULES AND REGULATIONS

- b) An application for permission to the Village, as set forth in (a) above, shall:
 - a. be signed by the owner, agent, or lessee of the Property for which such connection is sought;
 - b. be signed by the person, firm, corporation, or other entity employed to perform the work;
 - c. describe the Property upon which such work is sought to be performed and;
 - d. state the status of the fixtures to be connected or installed.
- c) No connection to a public sanitary wastewater system shall be installed, maintained, or operated on any property within the Village of Arcanum by any person, firm, corporation, or any other entity without proper authorization licensure, or other certification required by applicable law to perform such work.
- d) No person shall discharge, or permit to be discharged, treated or untreated sewage, the overflow drainage or contents of a sewage tank, or other putrescible, impure, or offensive wastes into an abandoned water supply, well, spring, or cistern, or into a natural or artificial well, sink hole, crevice, or other opening extending into limestone, sandstone, shale, or other rock formation, or regular groundwater table.
- e) No person shall discharge, or permit or cause to be discharged, treated or untreated sewage, the drainage or contents of a sewage tank, or other putrescible or offensive wastes onto the surface of the ground, into any street, road, alley, open excavation, or underground stormwater drain.
- f) No person shall discharge, or permit to be discharged, treated or untreated sewage, the overflow drainage or contents of a sewage tank, or other putrescible, impure, or offensive wastes into a stormwater sewer.
- g) Roof water, clean water from condensers, foundation drainage, cistern overflows, surface drainage, subsurface drainage, and other clean and unobjectionable types of clean water shall not be discharged into the public sanitary sewerage system.
- h) Plastics in any form, wet-strength paper towels, cloth of any kind, rubber products, throw-away baby diapers, flushable wipes, cigarette stubs, sand, grit, coffee grounds, excess cooking oils or greases, solvents, paints, caustic or oily liquids or materials, kerosene, gasoline, motor oil, floor waxes, or any other wastes known to affect a sewage disposal system adversely, shall not be deposited or flushed in plumbing fixtures, nor shall they otherwise be introduced into a building sewer or other sewage disposal system.
- i) Connections with cesspools, privy vaults, septic tanks, or septic tank effluent pumping systems (STEP systems) shall not be made into any sanitary, combined, or stormwater sewer.
- j) No industrial waste shall be discharged into a stormwater sewer. The Village of Arcanum may grant permission to discharge such waste into a sanitary sewer if such waste is not detrimental to the sewer system. If industrial waste is of such a character that it is detrimental to the sanitary sewer system into which such waste is sought to be discharged, such waste must be appropriately pretreated until it is no longer detrimental to the system.
- k) No person shall discharge or cause to be discharged, directly or indirectly any pollutant or wastewater which will interfere with the operation or performance of a public wastewater system. These general prohibitions apply to all users of a public wastewater system whether or not the user is subject to National Categorical Pretreatment Standards (40 CFR Part 403) or any other National, State, or Local Pretreatment Standards or Requirements.
- l) No person shall discharge or cause to be discharged any of the following described waters or wastes into any public wastewater system:

ORDINANCE NO. 24-42

AN ORDINANCE ESTABLISHING WATER AND SEWER UTILITY RULES AND REGULATIONS

- a. Any wastewater or vapor having a temperature which will inhibit biological activity in a public wastewater system resulting in interference; but in no case, wastewater with a temperature at the introduction into a public wastewater system that exceeds one hundred forty degrees (140) F or causing the temperature of the public wastewater system to exceed one hundred four degrees (104) F unless otherwise approved by the Village.
- b. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquids, solids or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction, to cause fire or explosion or be injurious in any other way to the operation of a public wastewater system.
- c. Any water or wastes containing free oils, emulsified oils, and grease exceeding an average of one hundred parts per million (833 pounds per million gallons) of other soluble matter or containing substances that may solidify or become viscous at temperatures between thirty- two degrees (32°) F and one hundred fifty degrees (150°) F.
- d. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of a public wastewater system, including cyanides.
- e. Any food waste that has not been appropriately shredded or ground.
- f. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar plastics, wood paunch, manure, hair and fleshings, entrails, lime slurry, lime residues, chemical residues, paint residues, cannery waste, bulk solids or any other solid or viscous substance capable of obstructing the flow in sewers or other interference with proper operation of the sewage works.
- g. Any waters or wastes containing Suspended Solids (SS) of such character and quantity that unusual attention or expense is required to handle such materials at a public wastewater system or any substance which may cause a public wastewater system's effluent or treatment residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
- h. Any noxious or malodorous gas or substance capable of creating a public nuisance or substances causing the release of noxious or poisonous gases after discharge into a public wastewater system.
- i. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.
- j. Any water or wastes containing substances that may cause the treatment plant to exceed its NPDES permit limitations.

For the purpose of this Section, "normal sewage" shall not exceed a daily average of any of the following strengths:

Total Suspended Solids (TSS)= 350 mg/l
Biochemical Oxygen Demand (BOD)= 300 mg/l
Phosphate= 20 mg/l
Ammonia as Nitrogen= 15 mg/l

Any customer may be required to complete testing on discharges to the sewer collection system at the direction of the Village. Any wastewater that exceeds the limits of any category listed in this table shall be subject to additional charges by the Village and/or pretreatment. Based on the results of these tests, the Village may determine additional fees and surcharges. Fees shall be assessed to these customers concerning the anticipated costs the Village will incur in treating particular wastes contained in these discharges.

Customers who discharge waste to the sanitary sewer system in excess of the predetermined limits listed in the separate rate ordinance shall be required to pay a surcharge to cover the additional costs incurred by the Village in treating such wastes.

ORDINANCE NO. 24-42

AN ORDINANCE ESTABLISHING WATER AND SEWER UTILITY RULES AND REGULATIONS

- k. Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Village as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters, and which might cause a public wastewater system to violate its NPDES and/or other Disposal System permits.
- l. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village in compliance with applicable State or Federal regulations.
- m. Any water or waste with a pH of less than 5.5 or over 9.0.
- n. Materials that exert or cause:
 - i. Unusual concentrations of inert Suspended Solids (SS) such as, but not limited to, Fuller's earth, lime slurries, and lime residues, or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate.
 - ii. Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.
 - iii. Unusual biochemical oxygen demand (BOD), Total Suspended Solids (TSS), or chlorine requirements in such quantities as to constitute a significant load on a public wastewater system.
 - iv. Unusual volume of flow or concentration of wastes deemed detrimental to the public wastewater system.
- o. Waters or wastes containing substances that are not amenable to treatment or reduction by a public wastewater system employed or are amenable to treatment only to such degree that a public wastewater system effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- p. No discharger shall dilute a waste stream as a substitute for adequate treatment to achieve compliance with the standards set forth in these regulations.
- q. All discharges of the regulated industrial categories shall meet the National Categorical Pretreatment Standards as established by the US EPA. If a pollutant in an industrial discharge is limited by National Categorical Pretreatment Standards and limits established by the Village, the maximum allowable concentration will be the more stringent.

The preceding list of substances is subject to revisions to meet current water quality standards or effluent standards imposed by state and/or federal agencies. In special cases (low volume users), the concentration of the applicable substances in the wastewater may be exceeded if the Village determines that the total pounds of the substances discharged to the sewage system are not harmful to or will not interfere with the sewage treatment process or will not violate water quality or effluent standards.

- m) If any waters or wastes are discharged or are proposed to be discharged to a public wastewater system, which waters contain the substance or possess the characteristics which, in the judgment of the Village, may have a deleterious effect upon a public wastewater system, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Village may:
 - i. Reject the wastes;
 - ii. Require pretreatment to an acceptable condition in accordance with guidelines adopted herein for discharge into a public wastewater system;
 - iii. Require control over quantities and rates of discharge and or
 - iv. Require payment to cover the added cost of handling and treatment of the wastes not covered by existing taxes or sewer charges.
 - v. Impose fines up to \$1000.00 per day, with each incident viewed as a separate offense.

ORDINANCE NO. 24-42

AN ORDINANCE ESTABLISHING WATER AND SEWER UTILITY RULES AND REGULATIONS

- n) An approved and appropriate trap for the interception of grease and oil shall be provided for any connection from a hotel, restaurant, club, institutional kitchen, public garage, automotive/truck repair facility, car wash, or from any and all other establishments of any kind where such trap may be necessary. Such trap shall be of a design and/or configuration that is acceptable to the Village or the duly authorized agent of the Village. Trap shall be the responsibility of the Customer and/or property owner to maintain, keep clean, and work properly as designed for the interception of grease and oil. Users must provide the Village with a copy of the inspection and pumping records at least annually.

If any of the above conditions listed in this Section are discovered, the Village will notify the affected property owner in writing, giving the property owner 60 days to bring the service into compliance. The affected service must be brought into compliance within 60 days, or the Village shall order the discontinuation of the service until corrections have been made, inspected, and approved by the Village.

If it is determined by the Village in the exercise of professional judgment that any of the above-listed conditions require immediate action to avoid an environmental incident, or that the condition may put the public's health or safety at risk, the Village shall order the immediate discontinuation of service until such time that corrections have been made, inspection, and approved by the Village.

SECTION EIGHT

Pretreatment of Wastes

Pretreatment of industrial wastes, including flow equalization, from major contributing industries before discharge to the sewer collection system shall be required. It shall be subject to the rules and regulations established by the US EPA and the Ohio EPA, in addition to any more stringent requirements that the Village may establish.

In cases where the character of sewage or industrial waste from any manufacturing or industrial plant, building, or premises shows excessive flow rates or concentration of pollutants such that it imposes an unreasonable burden upon a public wastewater system, the Village may:

- a) Require such manufacturing or industrial plant, building, or premises to pretreat such sewage in such manner as specified by the Village before discharging it into a public wastewater system;
- b) Require flow control or equalization of such wastes so as to avoid any detrimental or excessive loads that may be harmful to a public wastewater system and/or;
- c) A surcharge on any excessive loadings discharged to a public wastewater system is required to cover the additional costs of treating such wastes.

Plans, specifications, and other pertinent information relating to pretreatment or control shall be submitted to the Village for review before initiating any new discharges, any new manufacturing processes that may result in discharges, and any new control or pretreatment facilities. Approval shall be obtained in writing from the Village prior to the construction or installation of any new processes or facilities. Once placed in operation, the owner must maintain the pretreatment facilities or controls in proper working order and provide monthly reports to the Village to show characteristics of the influent to and effluent from the pretreatment facility prior to its discharge into the sanitary sewer collection system. These reports must show the performance of the pretreatment facility and will be used by the Village to compare with Village monitoring records.

SECTION NINE

Sanitary Sewer Surcharges for Excessive Loading

The Village of Arcanum has determined that a sanitary sewer surcharge be imposed on

ORDINANCE NO. 24-42

AN ORDINANCE ESTABLISHING WATER AND SEWER UTILITY RULES AND REGULATIONS

any customer for discharges containing concentrations of Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS) exceeding acceptable limits. The surcharge pays for the additional treatment at the Village's wastewater treatment facility required to maintain compliance with all Ohio EPA Requirements.

If any customer's average Biochemical Oxygen Demand (BOD) concentration exceeds 300 milligrams per liter or if the average Total Suspended Solids (TSS) concentration exceeds 350 milligrams per liter, the Village will use a predetermined formula to calculate a sanitary sewer surcharge for the wastewater billing. The Village's Wastewater Department will perform a minimum of semi-annual evaluations to determine the Customer's average BOD and TSS levels at which the surcharge will be calculated for the following six months. The Village retains the discretion to conduct additional evaluations to calculate the average BOD and TSS levels. All further testing expenses incurred by the Village will be the Customer's responsibility and will be billed accordingly.

V= Millions of Gallons (MG)

BOD= Biochemical oxygen demand was analyzed in accordance with the latest Ohio EPA-approved method and reported in units of milligrams per liter (mg/l).

TSS = Total suspended solids analyzed in accordance with the latest Ohio EPA-approved method and reported in units of milligrams per liter (mg/l).

Cost Factor BOD = 32% of the total budgeted costs for operating and maintaining the wastewater treatment facilities divided by the total pounds of BOD treated annually.

Cost Factor TSS = 33% of the total budgeted costs for operating and maintaining the wastewater treatment facilities divided by the total pounds TSS treated annually.

Surcharge = Surcharge computed in dollars as follows:

BOD Surcharge = $V \times (B-C) \times 8.34 \times \text{Cost Factor BOD}$

TSS Surcharge = $V \times (B-C) \times 8.34 \times \text{Cost Factor TSS}$

Where:

B = Total average contribution from user in mg/l

C = Normal domestic sewage strength in mg/l

8.34 = pounds per gallon of water

The Average concentration will be calculated, averaging two test results for those under 1,000 mg/l and four for those with concentrations over 1,000 mg/l.

SECTION TEN

Sewer Pretreatment Monitoring

- a. Each nonresidential user may be required to construct and maintain one or more control manholes or access points to facilitate observation, measurement, and sampling of his wastes, including domestic sewage.
- b. Control manholes or access facilities shall be located and built in a manner acceptable to the Village. They shall be of substantial construction, water-tight, and equipped with easily removable covers which, when bolted in place, shall be gas-tight and water-tight. If measuring devices are to be permanently installed, they shall be of a type acceptable to the Village. The Village must approve plans for the installation of the control manholes, access facilities, and related equipment prior to the beginning of construction.
- c. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this regulation shall be determined in accordance with Standard Methods and in accordance with 40 CFR 136 entitled

ORDINANCE NO. 24-42

AN ORDINANCE ESTABLISHING WATER AND SEWER UTILITY RULES AND REGULATIONS

"Guidelines Establishing Test Procedures for Analysis of Pollutants." They shall be determined at the control manhole provided or upon suitable samples taken at such control manhole.

- d. In the event that no special manhole has been required, a sewer cleanout may be used for an observation and test port.
- e. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and Property. The particular analysis involved will determine whether a twenty-four-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and Total Suspended Solids (TSS) analyses are obtained from twenty-four-hour composites of all outfalls, whereas pHs are determined from periodic grab samples.

SECTION ELEVEN

Pretreatment Costs

- a) Any pretreatment facility or flow-equalizing facilities required by the Village shall be constructed, owned, maintained, repaired, and replaced at the owner's cost. Before constructing such facilities, the owner shall submit and receive the Village's approval of detailed design plans for the facilities. Thereafter, such facilities shall be maintained continuously and operate satisfactorily at the owner's cost.

SECTION TWELVE

Sewer Pretreatment Reporting

- a) Any nonresidential user subject to a pretreatment standard after the compliance date of such pretreatment standard, or, in the case of a new user or new source, after commencement of the discharge, shall submit to the Village during the months of June and December, unless required more frequently in the pretreatment standard or by the Village, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows that, during the reporting period, exceeded the average daily flow. At the Village's discretion and considering such factors as local high or low flow rates, holidays, budget cycles, etc., the Village may alter the months during which the reports are to be submitted.

SECTION THIRTEEN

Fats, Oils, and Grease "FOG"

RULES AND REQUIREMENTS

- a) Food preparation establishments and food industries discharging wastewater to the Village's collection system are subject to the following requirements, which shall constitute the Village's FOG Management Program:
 - a. Compliance with the General Permit for the Discharge of Wastewater Associated with Food Preparation Establishments.
 - b. All maintenance records, including copies of invoices from haulers or service companies, must be saved for two years.
 - c. The user must provide the Village with at least an annual copy of the inspection and pumping records using Form B.

The Village performs regular inspections to verify compliance with these requirements and those requirements of the General Permit for the Discharge of Wastewater Associated with Food Preparation Establishments. If the inspections

ORDINANCE NO. 24-42

AN ORDINANCE ESTABLISHING WATER AND SEWER UTILITY RULES AND REGULATIONS

become excessive, more than four a year, then inspections are subject to additional fees.

Payment of any fees associated with fines or violations, variances, and reimbursement for costs related to any emergency services the Village provides. Grease, oil, and sand interceptors or traps shall be provided when, at the discretion of the Village, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand and other harmful ingredients except that such interceptors or traps shall not be required for private living quarters or dwelling units. All interceptors or traps shall be of a type and capacity approved by the Village and shall be located readily and easily accessible for cleaning and inspection.

When installed, all grease interceptors or traps shall be maintained by the owner, at the owner's expense, and in continuously efficient operation at all times.

Grease interceptors or traps must be cleaned regularly, and proper documentation must be provided to the Village upon request.

1) EQUIPMENT REQUIREMENTS

- a. Wastewater generated from food preparation establishments and food industries shall be treated at the point of discharge to remove FOG, using an Outdoor In-Ground Grease Trap or Automatic Grease Recovery Unit (AGRU) meeting the requirements of the General Permit for the Discharge of Wastewater Associated with Food Preparation Establishments.

The Grease Trap Interceptor or AGRU shall be connected to those fixtures or drains that would allow FOG to be discharged. This shall include but is not limited to pot sinks, pre-rinse sinks, and sinks into which fats, oils, or grease are likely to be introduced, soup kettles or similar devices, work stations, floor drains, or sinks into which kettles may be drained, automatic hood wash units, and any other fixtures or drains that are likely to allow fats, oils, and grease to be discharged.

- b. All dishwasher connections shall be after the grease interceptor.

2) INSPECTIONS

Food Preparation Establishments and food industries shall be subject to regular inspection by the Village to determine whether the requirements outlined in this Ordinance and the General Permit are being met. Inspections may include but are not limited to a review of records for the quarterly inspections performed by the Food Preparation Establishment or food industry and a review of cleaning and maintenance logs. All Grease Trap Interceptors can be inspected by Village personnel at any time.

3) DISCHARGE LIMITS

No Food Preparation Establishment or food industry shall discharge or cause to be discharged any wastewater with a FOG concentration in excess of one hundred (100) mg/L, as determined by the currently approved test for recoverable fats and grease listed in Title 40, CFR 136.3, as may be amended. Grease and oil interceptors or traps shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature.

4) VIOLATIONS

In the event that a Food Preparation Establishment or food industry fails to meet the recordkeeping requirements or discharge limit, the Village will issue a written notice of violation for the non-compliant condition. The Food Preparation Establishment or food industry shall take immediate steps to bring the establishment into compliance within fourteen (14) days from the date of notice.

ORDINANCE NO. 24-42

AN ORDINANCE ESTABLISHING WATER AND SEWER UTILITY RULES AND REGULATIONS

1. Any violation of the Village's FOG Management Program will be subject to a violation fee of \$100.00, with each incident viewed as a separate offense. Each day that a violation continues shall be considered a separate occurrence.

5) **RESTRICTIONS**

No Food Preparation Establishment or food industry shall introduce any additives, including but not limited to enzymes and/or surfactants such as grease emulsifiers or degradation agents, into the Grease Interceptor or AGRU unless given prior approval by the Village.

6) **SEWER STOPPAGES AND MAINTENANCE**

a) In the event of a sewer stoppage or blockage caused by a FOG discharge from a Food Preparation Establishment or food industry, the Village shall notify said Customer in writing and said Customer shall reimburse the Village any expenses incurred by the Village as a result of the sewer stoppage or blockage. The expenses may include but are not limited to, the cost of services of Village employees or contractors for any work or inspection necessary to relieve such stoppage or blockage and damage to any other properties affected.

b) If any FOG-related stoppage requires emergency action on the part of the Village, the Food Preparation Establishment or food industry shall be charged per event the cost of services of Village employees or contractors, plus fines up to \$1000 per day, with each incident viewed as a separate offense. An emergency is any event requiring power rodding, snaking, jetting, or any other work to clear the stoppage.

If the collection system needs to be cleaned due to the excess FOG discharged by a Food Preparation Establishment or food industry, the establishment shall pay the Village the expense incurred by the Village to clean the sewer or appurtenance.

7) **BILLING OF FOG CHARGES**

Any fees associated with the Village's FOG Management Program will be billed to the Food Preparation Establishment or food industry owner.

8) **PAYING OF FOG CHARGES**

The fees associated with the Village's FOG Management Program, either as a separate bill or combined with the water and/or sewer bill, shall be due and payable within 30 days of the date of issue. The Village is empowered to permit an extension of time of the due date up to seven days after the end of the billing period. Ten percent (10%) interest will be applied monthly to the unpaid balance, including previously applied interest, of all bills outstanding beyond the 30 days.

9) **NON-COMPLIANCE**

The Village reserves the right to notify the Darke County Health Department and/or the Ohio EPA of any establishment or industry that continues to be non-compliant with the Village's FOG Management Program outlined in this Ordinance.

SECTION FOURTEEN

Accidental Discharges

- a. No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment, therefore, by the industrial concern in proportion to cost and consistent with the user charge system.

ORDINANCE NO. 24-42

AN ORDINANCE ESTABLISHING WATER AND SEWER UTILITY RULES AND REGULATIONS

- b. Each nonresidential user may be required to protect from accidental discharge of prohibited materials or other wastes regulated by this regulation. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's cost. Detailed plans showing facilities and operating procedures to provide such protection shall be submitted for review by the Village and shall be approved by the Village before the construction of the facility. Review and approval of such plans and operating procedures shall not relieve the nonresidential user from the responsibility to modify the facility as necessary to meet the requirements contained in this regulation.
- c. If for any reason, a nonresidential user does not comply with or will be unable to comply with any prohibition or limitations herein, the user shall immediately notify the Village that corrective action may need to be taken to protect a public wastewater system. In addition, a written report addressed to the Village detailing the date, time, and discharge, as well as corrective action taken to prevent future discharges, shall be filed by the user within five days of the occurrence of the non-complying discharge.

SECTION FIFTEEN

Watering Lawns Related to New Home Construction and Village Street/Utility Improvement Projects

- a. The Village agrees to make a one-time reasonable adjustment amount to be reasonably determined by the Village, to that portion of sewer charges on a customer's bill due to the watering of a new lawn, whether seed or sod, as a result of the construction of a new home or in connection with a Village Street Utility Improvement Project. No adjustment to sewer charges shall be made for lawn watering to repair lawn damage to an existing lawn or to maintain landscaping on the Property.

SECTION SIXTEEN

Access to Premises - Limitations

- a. Access to Premises - As a condition of Arcanum granting a Customer permission to connect to the public sanitary sewerage system and receive service, Customer shall grant permission to the Village to enter upon the Property of the Customer in order to, without limitation, inspect, service, test, or repair any equipment connected to the public sanitary sewerage system. Neither the Village nor its agents or employees shall enter into the interior of any structure on a Customer's premises without the express permission of such Customer, except in cases of emergency. Any agent or employee seeking entrance into or upon a Customer's premises shall have and show symbols of identification. Any agent or employee seeking entrance to the interior of any structures on the Premises shall advise the owner or occupant as to his/her purpose. Except in cases of emergency, no Customer shall be obligated to afford entrance or access to his/her Premises, except during normal business hours, and then only to such parts of the Premises as may be the location of Village-owned Facilities.
- b. Village Personnel, in the exercise of their sole discretion, may refuse to enter upon any Customer's Property if such Personnel have concerns about their safety due to the presence of unrestrained animals and/or any other safety issue that may be present on the Property. The Property Owner shall be responsible for any injuries sustained by Village Personnel due to existence of dangerous conditions existing on the Property.
- c. Right-of-Way - The Customer, without reimbursement, will make or procure conveyance to the Village of right-of-way or right-of-entry and installed Facilities satisfactory to the Village to permit the Village to cross Property between the Village right-of-way and the Customer's Property at the location where utility service is to be furnished, including Property owned or controlled by the

ORDINANCE NO. 24-42

AN ORDINANCE ESTABLISHING WATER AND SEWER UTILITY RULES AND REGULATIONS

Customer for the Village's Facilities, extensions thereof, or appurtenances necessary or incidental to the supplying of utility service to the Customer.

SECTION SEVENTEEN

Utility Customers Located Outside of the Village Corporation Limits

As a condition of the Village providing water and sanitary sewer services to any property located outside of the Village Corporation limits, the property owner must agree to submit to and cooperate with annexation proceedings when the Property becomes adjacent to the Village Corporation limits. Such annexation shall occur within one (1) year from the date of any utility agreement with the Village for water or sewer service to a property or once the Property becomes adjacent to the Village corporation limits. In addition, utility customers outside the Village Corporation limits shall be subject the rates outlined in a separate water rate ordinance. Failure at any time to pay the applicable surcharge fees or failure to cooperate with the annexation proceedings may result in immediate disconnection of water/sewer service to the Customer.

SECTION EIGHTEEN

Requirement for Backflow Prevention

- a. All commercial, industrial, and institutional water customers must install a backflow prevention device approved by the Village on the municipal water connection where such connection enters the building before the connection of any branch connections or service lines.
- b. Any residential customers who have any other pressurized water source entering the building or any potential for hazardous cross-connections, as determined by the Village, must install an approved backflow prevention device on the municipal water connection where such connection enters the building prior to the connection of any branch connections or service lines.
- c. Backflow preventers must be tested and certified annually by a technician licensed and certified by the Ohio Department of Development. Annual testing and certification results must be retained onsite at the customer location and available upon request using the backflow inspection report Form C. A copy must be provided to the Village each year for record-keeping and compliance with the Ohio EPA.

The Village Backflow Prevention and Cross-Connection Program is outlined further in a separate ordinance.

SECTION NINETEEN

Repeal of Conflicting Ordinances

- a. All Ordinances or parts of Ordinances, or regulations or parts of regulations, in conflict with this Ordinance are hereby repealed.

SECTION TWENTY

Penalty

That in addition to any other fines or penalties otherwise set forth herein, whoever violates or fails to comply with any of the provisions of this Ordinance is guilty of a minor misdemeanor and shall be fined not more than one hundred fifty dollars (\$150.00) for each separate offense. Each day of failing to comply with any of the provisions herein shall constitute a separate offense. Whoever violates or fails to comply with any of the provisions of this Ordinance for a second time not sequential to the first offense, shall be guilty of a misdemeanor of the 4th degree with each day of failing to comply constituting a separate offense.

ORDINANCE NO. 24-42

AN ORDINANCE ESTABLISHING WATER AND SEWER UTILITY RULES AND REGULATIONS

SECTION TWENTY-ONE:

That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were conducted in meetings open to the public, in compliance with all legal requirements.

SECTION TWENTY-TWO:

If any section, subsection, paragraph, clause or provision, or any part thereof of this Ordinance shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Ordinance shall be unaffected by such adjudication and all the remaining provisions of this Ordinance shall remain in full force and effect as though such Section, subsection, paragraph, clause or provision, or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

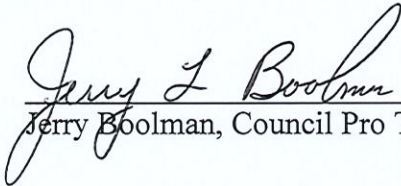
SECTION TWENTY-THREE:

That this Ordinance shall take effect at the earliest date allowed by law.


PASSED, this 10th day of December, 2024.



Mayor Bonnie L. Millard



Jerry Boolman, Council Pro Tem

ATTEST:


Karen L. Deao, Fiscal Officer

APPROVED AS TO FORM:

Nicole L. Pohlman, VILLAGE SOLICITOR

1st Reading: 12/10/2024

2nd Reading:

3rd Reading:

Three Reading Rule Waived: 12/10/2024

Emergency Declared: