

RECORD OF ORDINANCE

Date Presented 5/17/2022

Sponsor Mayor Sandine Ordinance No. 13-22 Date Passed June 28, 2022

AN ORDINANCE REPEALING ORDINANCE 04-11 AND ADOPTING NEW UTILITY REGULATIONS FOR THE VILLAGE OF LITHOPOLIS, ATTACHED AND INCORPORATED BY REFERENCE;

Whereas, Council desires to update the village's Water and Sewer Regulations, and

Whereas, Council finds that the attached and incorporated Water and Sewer Regulations satisfy this goal, and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF LITHOPOLIS, FAIRFIELD COUNTY, STATE OF OHIO;

Section 1. The Water and Sewer Regulations, attached and incorporated herein, are hereby adopted and approved.

Section 2. This Ordinance shall become effective at the earliest date provided by law.

Attest/Date:

Jenita Flowers
Clerk

Signed/Date

[Signature]
Mayor 6/28/22

Approved as to form:

[Signature]
Jon M. Browning

First Reading

5/24/22

Second Reading

6/14/22

Revised Second Reading

Third Reading

6/28/22

VOTE FOR

6

AGAINST

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ARTICLE 1

UTILITY CREATION, AUTHORITY AND AVAILABILITY

- A. That there has been established a Public Works Department for the Village of Lithopolis (LPWD). The LPWD has authority to administer the water and sewer systems of the Village of Lithopolis according to the regulations contained herein.
- B. Any new user, after the effective date of this ordinance, that desires water or sewer service shall be required to annex to receive such service, unless subject to a separate agreement approved by Council. The separate agreement must include a time table and/or conditions for annexation.
- C. All property annexed to the Village of Lithopolis must tie into public water and sewer service, unless such service is not available. If one or both services are not available, the property owner may maintain on site wells or septic systems, under the authority of the County Health Department and/or the Ohio EPA. Once such service becomes available the property owner must connect to the Lithopolis service. Property owners may maintain water wells for personal use on their property provided such wells are physically separated from the village water system and, at the Village Administrator's discretion, if water from a private well could end up in the wastewater system a deduct meter must be installed.

ARTICLE 2

ADMINISTRATION

The administration of the Lithopolis Public Works Department (LPWD) consists of a Village Administrator, an Administrative Assistant (AA) and other employees that may be authorized by the Village Council. The Village Administrator shall manage, conduct and control the Village of Lithopolis water and sewer systems and shall propagate other rules and regulations necessary to manage the water and sewer systems. The AA shall administer all billing, receiving, accounting, and collection for the LPWD.

ARTICLE 3

WATER AND SEWER RATES; TAP AND CAPACITY CHARGES; CAPITAL IMPROVEMENT; CHARGES

- A. MONTHLY METERED WATER RATES.

The monthly water user charge rate shall be set by separate ordinance and metered per gallon used INSIDE the Village of Lithopolis and the INSIDE village rate +45% for water used OUTSIDE the Village of Lithopolis.

B. WATER FEES.

1) Water capacity charges are as follows:

<u>SERVICE SIZE</u>	<u>CAPACITY CHARGES</u>	<u>All connection materials</u>
¾"	\$6,000.00	Village cost plus 25%
1.0"	\$9,900.00	Village cost plus 25%
1.5"	\$16,335.00	Village cost plus 25%
2.0"	\$26,952.75	Village cost plus 25%
3.0"	\$44,472.04	Village cost plus 25%
4.0"	\$73,378.86	Village cost plus 25%
6.0"	\$121,075.12	Village cost plus 25%
8.0"	\$199,773.95	Village cost plus 25%
10.0"	\$329,627.02	Village cost plus 25%
12.0"	\$543,884.58	Village cost plus 25%
16.0"	\$897,409.56	Village cost plus 25%

2) All charges as outlined above (with the exception of materials and labor) must be paid in full BEFORE the water tap is installed, unless subject to separate agreement.

3) Fire Protection Only Connections

A. The Capacity Charge for a Fire Protection Only line is 100% of a regular charge.

B. There is no minimum monthly fee for a Fire Protection only line and any metered flow will be charged at OUTSIDE VILLAGE rate.

4) Service line size will be based upon recommendation of the Village Consulting Engineer when taking into account length of line and available water pressure at the location of the user.

5) One, two and three EDU units require an individual ¾" service connection. Commercial and muti-family units will be master metered with individual shutoffs located on the customer side the village meter. Service line size for a master meter must be at least 1.0"and may require a larger size to meet the minimum size necessary to provide the same flow and pressure as an individual service line.

6) Meter and remote fees to existing homes or businesses may be added to monthly bill in 12 equal installments. Fees for new builds are due in full prior to installation.

C. SEWER CHARGES.

1) Sewer user charges shall be determined on the basis of water flow use as shown by the water meter records of the LPWD times the applicable user charge rate. The INSIDE rate for monthly sewer user charge rate shall be set by separate ordinance and meter in gallons of water used. The OUTSIDE rate shall be the INSIDE village rate +45% for water used OUTSIDE the Village of Lithopolis. The sewer user charge shall cover the cost of operation, maintenance, replacement and debt service.

- 2) New Connection Capacity Charge (NCCC) for residential users shall be based on the size of the associated water tap and indicated on the chart below.

Where a property owner or a property owner's agent increases the number of EDU's on a property without change to the existing village sewer system and without cost to the village, the property owner may, at the discretion of the village, pay the NCCC for each EDU over a period of one year from the addition of the EDU. NCCC's must be paid prior to the issuance of a building permit.

- 3) The New Connection Capacity Charge (NCCC) shall be the sum of the treatment tap fee charged by the City of Canal Winchester, and set under separate ordinance, and multiplied by 40% for Lithopolis collection system.

Where a property owner or a property owner's agent increases the amount of flow generated by the user, the village consulting engineer shall re-evaluate the design capacity and the village may require the property owner to upgrade to a larger connection and pay the difference between their current connection size and the new connection size.

- 4) The monthly user service charge for each user shall be calculated by multiplying the currently adopted sewer user charge determined under Section C (1) by the actual or estimated water meter reading. An additional capital improvements charge for owners or users on the system as of May 1988 has been calculated by multiplying the CIC determined under the previous sewer ordinance and amendments by the number of EDU's assigned to the property. If the owner or user has paid off their entire initial portion of unamortized CIC in advance, the CIC will be eliminated for that user or owner. The CIC shall be billed to the owner of the real property.

D. BULK WATER SALES

- 1) Bulk water may be sold by the Village at locations approved by the Village Administrator for such activity.
- 2) Commercial Bulk Water haulers comply with Rules and Regulations established by the Village Administrator and/or the Board of Public Affairs.
- 3) Commercial Bulk Water permit fees and charges shall be regulated under a separate ordinance solely for that purpose.

ARTICLE 4

BILLING AND PENALTIES

- A. **PAYMENT DUE DATE.** Utility bills shall be due and payable upon receipt and late on the fifteenth (15th) day of the month or on the fifteenth day after the billing date, whichever is later.
- B. **DEFAULT SHUT-OFF.** An account may have service discontinued when the total amount due included a past due amount and is (a) greater than \$400.00 or (b) greater than two consecutive months of average use, whichever is greater.

To have water and sewer service restored after shut-off, the user must pay the delinquent charges, late fees and penalties in full plus a service charge of fifty dollars (\$50.00) for reconnection or apply for, and be accepted into, the Village Payment Plan.

Failure to fulfill the terms of the Village Payment Plan or providing a check on an overdrawn account may result in immediate shut-off until all past due amounts, late fees and penalties are paid in full.

- C. **OTHER PENALTIES.** When water and sewer rents or charges are not paid when due, in addition to the penalties provided above, the water and sewer authority or authorized official may
- 1) Do either or both of the following:
 - a) Certify to the county auditor the unpaid charges and penalties, along with additional certification that the unpaid rents or charges have arisen pursuant to a service contract made directly with the owner who occupies the property served;
 - b) Collect them by actions at law in the name of the village from the person who is liable to pay the charges; and
 - 2) Add court costs, attorney's fees and other costs of collection to the delinquent water and sewer charges.

Any user vacating premises without paying all water and sewer charges due at the time of such vacation shall not thereafter be supplied with any utility service provided by the village until all delinquent charges are paid.

The Village reserves the right to require a deposit equal to two months average use on residents who have had service discontinued more than twice in a 12-month period.

The Village reserves the right to deny utility service in the name of a renter, who has had utility service terminated in the past five (5) years. Utility service may be made in the name of the property owner.

ARTICLE 5

**SALE/PURCHASE OF PROPERTY SUBJECT TO UNPAID WATER
AND SEWER CHARGES AND PENALTIES; LIENS; NOTICE TO LPWD**

- A. Purchasers of real property served by village water and sewer purchase the property subject to all unpaid water and sewer charges and penalties, whether or not the charges and penalties have been perfected as a lien.
- B. Such unpaid charges shall be a lien upon the property from the date the delinquency is placed upon the real property tax duplicate and shall be collected in the same manner as other real estate taxes. The Village shall certify all unpaid water and sewer charges and penalties annually to the County Auditor pursuant to the Revised Code.
- C. Prior to the sale of real property served by village water and sewer, the owner shall notify the LPWD of the pending change of ownership and arrange for proration of any unpaid water and sewer charges and penalties. Failure of the owner to comply with this section does not relieve purchaser from liability for water and sewer charges and penalties unpaid by prior owners.
- D. Prior to the sale of real property served by village water and sewer, the purchaser shall notify the water and sewer authority of the pending change of ownership, arrange for a prorate of any unpaid water and sewer charges and penalties, and arrange for water and sewer service in the purchaser's name. Failure of the purchaser to comply with this section does not relieve purchaser from liability for water and sewer charges and penalties unpaid by prior owners.

ARTICLE 6

**OWNERS LIABLE FOR ALL WATER AND SEWER CHARGES;
TENANTS MAY CONTRACT; NOTICE OF CHANGE OF ADDRESS**

- A. Owners of real estate premises installing or maintaining water and sewer service shall be liable for all water and sewer charges incurred at the premises.
- B. Tenants may contract with the LPWD for water and sewer service as users. Owners are liable for all water and sewer charges and penalties unpaid by their tenants who contract with LPWD as users. The phrase “owner or user” in this ordinance is used interchangeably and means whichever is appropriate under the circumstances and does not excuse the owner from liability.
- C. Upon the change of an owner’s mailing address, the owner of premises served by LPWD shall inform the LPWD in writing of the change of address. Failure to report a change of address shall not excuse an owner from penalties incurred because of the failure to report the change of address.
- D. Tenants shall notify the LPWD of changes in their address and shall arrange for a prorating of unpaid water and sewer charges and penalties.
- E. When a past due balance is owed for water or sewer, no new service shall be permitted at the same address until the previous balance is paid in full by the owner.

ARTICLE 7

OWNER AND TENANT ASSENT TO WATER AND SEWER RULES AND REGULATIONS

Owner and tenants of real estate premises, by installing or maintaining water and/or sewer service from the LPWD, are deemed to assent to all rules and regulations of the LPWD and Ordinances of the Village of Lithopolis pertaining to water and sewer service and distribution. Where not specified otherwise in this ordinance, Fairfield County Standards shall be used and referenced for uniformity purposes and other standards may be required by the Village Administrator.

ARTICLE 8

WATER REGULATIONS

- A. **WATER CONNECTIONS (VILLAGE RESPONSIBILITY)** Application must be made in writing for connection to the Lithopolis water distribution system. All new water users shall pay a Tap and Capacity fee/charge and other associated costs. Such charges shall include payment for the labor and material necessary for the village to install the corporation stop to main, curb box, curb stop, saddle and all pipe necessary to connect the water main to curb-stop, which shall be located within one (1) foot of customer's property line, hereby determined to be a point six (6) inches inside the sidewalk line or other location determined by the village. The village may contract the installation of the tap to a third party and bill the user for the work plus 20%.
- B. **WATER CONNECTIONS (USER RESPONSIBILITY)** The user will be required to furnish their own material, install their own service pipe and make their own connection at the meter yoke and curb stop. The user shall purchase meter, remote and meter yoke from the Village of Lithopolis, Ohio, per schedule in Article 3, Paragraph B(1). All connections made to the meter yoke, or curb stop, shall be of such material as approved by the LPWD. All installations shall be inspected and approved by the LPWD prior to backfill of the curb stop and installation of water meter.
- C. **WATER METERS.**
- 1) Each service meter shall clearly indicate the unit of measure used as a basis for a unit of charge to the customer.
 - 2) The LPWD shall pay replacement cost for defective meters.
 - 3) All meters shall be located and installed where the LPWD determines for each particular service. Owner shall install shut off valves before and after the meter yoke.

- 4) The LPWD shall maintain suitable testing equipment of apparatus for testing and adjusting of all meters or shall make arrangements for providing such service.
- 5) Before installation, every meter shall factory certified for accuracy of registration and adjusted, if necessary, to be not over two percent fast or slow when passing water at flows as set out in the table below.

Average error, for purposes of application, is defined as one-third of the algebraic sum of errors when tested at three flows as set out in the table below.

SERVICE SIZE	ALLOWABLE RANGE OF TEST FLOWS		RECOMMENDED TEST FLOWS		
	MIN GPM	MAX GPM	MIN GPM	MED GPM	MAX GPM
5/8"	1	20	2	5-10	10-20
3/4"	2	34	3	8-15	15-34
1"	3	53	5	13-25	25-53
1-1/2"	5	100	5	25-40	40-100
2"	8	160	10	40-100	100-160
3"	16	315	16	80-150	100-315
4"	28	500	28	125-250	200-500
6"	34	1000	34	250-500	500-1000

No new or repaired meter shall be installed which is slow beyond the limits set out below for minimum flows.

SERVICE SIZE	MIN FLOW GPM	ALLOWABLE ERROR SLOW
5/8"	1/4	10%
3/4"	1/2	10%
1"	3/4	10%
1-1/2"	1-1/2"	10%
2"	2"	10%

- 6) Each service water meter installed shall be periodically inspected and tested in accordance with the following schedule, or as often as the results may warrant, to ensure that the meter accuracy is maintained within the limits set out above.

SERVICE SIZE	IN ACCORDANCE WITH
5/8" meters	AWWA STANDARDS
3/4" meters	
1" meters	
1-1/2" meters	
2" meters	

- 7) Upon written application of a user, the LPWD shall make a test of the accuracy of registration of a meter provided such user does not make request for tests more frequently than once in twelve months. A report giving the results of the test shall be made to the user and a complete record of the same shall be kept on file in the office of the LPWD.

The application for the test shall be accompanied by a fee as set out below. This fee shall be retained by the LPWD. However, if the test shows the meter to be more than two percent (2%) fast, then the fee shall be refunded to the user.

The fee for a meter test made on application to the LPWD shall be as follows for each service water meter:

Not exceeding 3/4" capacity	\$25.00
Exceeding 3/4" but not over 2"	\$50.00
Exceeding 2"	\$100.00

- D. **WATER STOP-COCKS; OWNER LIABLE; SHUT-OFF.** Water service pipes intended to supply two or more distinct premises or tenants must be provided with a separate stop-cock for each tenant on the outside of each of such premises. Where only one stop-cock exists, the owner of the property on which the service line is located shall pay the water and sewer rates for the parties who are thus supplied. On the failure of any one of said parties to pay the water and sewer rates when due or to comply with the rules and regulations of the LPWD and Ordinances of the village pertaining to water and sewer service and distribution, the supply of water and sewer shall be withheld without any liability on the part of the village to any of said parties.
- E. **SHUT-OFF OR TURN-ON BY AUTHORIZED PERSON ONLY.** No unauthorized person shall turn the water or sewer on or off at the curb stop or meter yoke. Unauthorized turn-on or shut-off is a misdemeanor of the first degree. (R.C. 4933.22, 4933.23, 4933.99).
- F. **CHANGES IN LOCATION.** Any changes necessary to be made in the location of the curb box or meter yoke will be made at the expense of the owner or user. Notice will be given to the owner or user, and if the work is not done within a reasonable length of time, the LPWD will do the work and the expense will be charged to the owner or user.
- G. **UNAUTHORIZED USE.** All LPWD users are prohibited from reselling water or sewer services purchased from the LPWD. The LPWD may discontinue service to the user who violates this section without liability on the part of the LPWD or Village of Lithopolis.
- H. **FIRE HYDRANTS.** No person shall take water from any fire hydrant except for fire purposes, unless permission is first obtained from the LPWD and arrangements made for metering or measuring of water.
- I. **INTERFERENCE.** No person shall cover up or interfere with any curb box, meter box, valve box, or hydrant.
- J. **SERVICE PIPES.** Service pipes shall not normally be allowed to run across lots, from one lot to another, but each lot shall be served by a service taken directly from the main serving said premises.

K. SEPARATE SERVICE.

- 1) Under normal circumstances no two separate premises shall be supplied from one service. A separate service shall be installed for each such separate premise.
- 2) In the case of condominiums, duplex flats, apartment houses and double houses, the owner shall provide means whereby water service to one or more vacant, separate living quarters can be turned off and water drained from the fixtures in said vacant quarters. The owner of the vacant quarters shall provide the LPWD with a written notice of the vacancy or be required to pay the minimum water and sewer bill for the vacant quarters for which notice is required.
- 3) All services shall be metered in condominiums, duplex flats, apartment houses and double houses unless a master meter is installed and the combined water, sewer, storm and solid waste bill is paid by a condominium/home owners association or landlord/management company.

L. DAMAGE AND COSTS OF REPAIR OF PIPES, MAINS, HYDRANTS, VALVES, LINES AND CURB STOPS.

- 1) All changes in service pipes and fixtures that may be necessary to set the meter properly to avoid freezing and to make all water and sewer used on any premises pass through the meter shall be made at the expense of the owner or user, and the cost thereof shall be paid before the water and sewer is turned on. Any damage to service pipe, from freezing or other causes, shall be repaired at the expense of the owner or user.
- 2) Any damage to water mains, hydrants, valves, service lines, curb stops or meters by a subdivider, in the course of his development, shall be replaced or repaired to the satisfaction of the LPWD, by the subdivider, at no expense to the village or the LPWD. Subdividers shall assume all responsibility for protecting LPWD property and provide, at their expense, any change in the location or grade of water authority facilities necessitated because of their development operations.

M. WATER AND SEWER SHUT-OFF AT CURB STOP. The owner(s), owner's agent(s) or users may request water shut-off at the curb box for repair of service lines or for seasonal stop use at no charge. Water shut-off at the curb stop requested by owners, owners' agents or users for other purposes shall be subject to a fifty dollar (\$50.00) turn on charge. Fee shall be paid in advance of water shut-off.

N. TAMPERING WITH METERS. Tampering with or bypassing a meter is a theft offense and could result in the imposition of criminal sanctions.

O. QUALITY AND PROTECTION OF WATER SUPPLY.

- 1) Quality. Water furnished by the LPWD for human consumption or for domestic use shall be of such quality as will have the approval of or comply with the requirements of the Ohio Environmental Protection Agency.
- 2) Protection of Water Supply. Public water supplies within the distribution pipe systems shall be adequately protected against pollution through cross connections with other systems having primary or auxiliary water supplies. They shall also be adequately protected against any unnecessary and avoidable pollution at their own sources and at all times after being taken from, until delivery to the customer.
- 3) Flushing Mains. Dead ended mains or other portions of the distribution system shall be flushed at sufficiently frequent periods so as to eliminate or minimize complaints from customers arising from a foul or offensive condition of the water due to stagnation. Proper provisions will be made for flushing those parts of a system which need flushing.
- 4) Records of Flushing. Records shall be kept of all flushing of mains showing date and place and duration and such records used as a guide in determining the necessary frequency of flushing of the same mains thereafter.
- 5) All persons opening fire hydrants and valves for any purpose shall take the necessary precautions to open and close the hydrants carefully and slowly in order to prevent "water hammer" and "surges" and thereby create damage to hydrants, valves, pipe joints, and plumbing of water users.

P. METER READINGS ON BILLS. Bills rendered periodically to users or owners for metered service show the readings of the meter at the beginning and end of the period for which the bill is rendered, the dates of the meter readings and the number and kinds of units of service supplied. On all bills which are computed on any other basis than a definite charge per unit of service, the other factors used in computing the bill shall be clearly stated so that the amount may be readily computed from the information appearing on the bill.

Q. ADJUSTMENT OF BILLS FOR METER ERROR. If on test of any service meter by the LPWD such meter shall be found to have a percentage of error greater than the allowed by Article 8B6 herein, the following provisions for the adjustment of bills shall be observed.

- 1) Fast Meters. When a meter is found to have a positive average error, i.e., is fast, in excess of two percent (2%) in tests made at the request of the customer, the LPWD shall refund to the user an amount equal to the excess charged for the water incorrectly metered for a period equal to one-half (1/2) of the time elapsed since the previous test but not to exceed six months. No part of a minimum service charge shall be refunded.

- 2) **Slow Meters.** When a meter is found to have a negative average error, i.e., is slow, in excess of two percent (2%) in tests made at the request of the user, the LPWD will make a charge to the customer for the water incorrectly metered for a period equal to one-half of the time elapsed since the previous test but not to exceed six months. If a meter is found not to register for any period, the LPWD shall estimate the charge for the water and sewer used by averaging the amounts registered over similar periods, preceding or subsequent thereto, or over corresponding periods in previous years. Such action shall be taken only in cases of substantial importance where the LPWD is not at fault for allowing the incorrect meter to be in service.
- R. **DISCONTINUATION OF SERVICE.** The LPWD may discontinue the service of any user for violation of any rule or regulation of the LPWD but only after a written notice of at least ten (10) days mailed to such user at the user's address as shown on the LPWD's records, or personally delivered to the user or a member of the user's household advising the user in particular what rule has been violated for which service will be discontinued if the violation is permitted to continue; provided, however, that where fraudulent use of water is detected or where the LPWD's regulating or measuring equipment has been tampered with, or where a dangerous condition is found to exist on the user's premises, service may be shut off without notice in advance.
- S. **INTERRUPTION OF SERVICE.** The LPWD shall keep a record of any interruption of service affecting its entire system or a major division thereof, including a statement of the time, duration, extent, and cause of the interruption. Whenever the service is intentionally interrupted for any purpose, such interruption shall, except in emergencies, be at a time which will cause the least inconvenience to users. Those users who will be most seriously affected by such interruption shall, so far as possible, be notified in advance.
- T. **SPECIFICATIONS.**
- 1) All pipe, water mains, hydrants, valves, and appurtenances shall meet the specifications of the Ohio Environmental Protection Agency, the Fire Underwriters, the Village Administrator, the LPWD and the Village Council of the Village of Lithopolis.
 - 2) All such material shall be installed in accordance with the manufacturer's recommendations and the accepted rules and regulations of the American Water Works Association.
- U. **EXTENSION OF MAINS IN AND AROUND LITHOPOLIS, OHIO.**
- 1) **Jurisdiction.** The LPWD, with the approval of the Village Council, has sole and complete jurisdiction over extensions of mains.
 - 2) **Free Extension.** The LPWD may, upon written request for service by a prospective user or a group of prospective users located in the same neighborhood or general area, make free of charge an extension necessary to give service when the estimated total revenue for a period of six (6) years from the prospective user(s) is equal to or

exceeds 125% of the total cost of the extension, provided that the prospects are that the patronage or demand will be of such permanency as to warrant the capital expenditure involved and the required sum prescribed in Article (c) is collected in advance for such property to be served.

- 3) Extension Above Free Limit. If the extension required in order to furnish service at any point within the corporate limits of Lithopolis or for any adjacent suburb of Lithopolis, is greater than the free extension specified herein, such an extension shall be made under the following conditions: The LPWD may require a cash payment of the cost of the extension above the free limit charges.
- 4) Contract for Service. The LPWD shall not be required to make extensions as described in this rule unless those to be served by such extension contract to use the service for at least ten (10) years. The LPWD may require of the prospective user on a proposed extension a satisfactory and reasonable guarantee that the prospective user will fulfill at the obligations of the contract.

V. INJURY AND DAMAGE TO WATER WORKS.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper or otherwise interfere with the functionality of or with any structure, appurtenance or equipment, which is part of the public water system. Any person violating this provision will be subject to immediate arrest under a charge of disorderly conduct and will be required to make restitution for said damages. Removal of water meter or ERT by unauthorized person may result in a \$300.00 re-installation fee to be billed to the property owner.

ARTICLE 9

SEWER REGULATIONS

A. USE OF PUBLIC SEWERS REQUIRED.

- 1) No person shall place, deposit or permit to be deposited, in any unsanitary manner on public or private property within the jurisdiction of the LPWD or in any area under the jurisdiction of the LPWD, any human or animal excrement, garbage or other matter which is or may become offensive, noxious or dangerous to the public health.
- 2) No person shall discharge to the waters of the State of Ohio within the area under the jurisdiction of the LPWD, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the requirements of the EPA or the local health department.
- 3) Except as herein provided, no person shall construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage where public sewers are available.
- 4) The owner of any house, building or properties used for human occupancy, employment, recreation or other purpose, situated within the area under the jurisdiction of the LPWD, is hereby required, at his/her expense, to install suitable toilet facilities therein and to connect such facilities directly to the sanitary sewer, in accordance with the provisions of this regulation within 180 days after date of official notice to do so, provided that such street, alley or right-of-way is within 200 feet of the foundation walls of such house, building or other property at all usable for human occupancy.
- 5) No person shall privately maintain their publicly owned septic tank effluent pump system.
- 6) No parcel shall be serviced by an on-site septic system when located within one thousand feet of a sewer main.

B. SEWER CONSTRUCTION PERMIT

- 1) **PERMIT and FEE REQUIRED.** Before any building sewer or on-lot system is repaired or altered a permit must be obtained from the LPWD. All permits issued hereunder shall expire ninety (90) days from the date of issuance. No refund of the permit fee or inspection charge shall be made unless a request is made and the permit returned within the ninety (90) day permit period without work being done. Fee will be 1% of NCCC cost of the connection size being repaired or altered. Fee may be waived upon written request showing cause of repair or alternation was not the cause of owner or owner's agents.

2) **APPLICATION.** The applicant for a permit must furnish the following information:

- a) Name of owner;
- b) Owner's mailing address;
- c) Name of subdivision and lot number or legal description of unparceled land;
- d) Mailing address of the property;
- e) Name and address of the construction contractor, if any; and
- f) The permit fee.

3) **PERMIT AND INSPECTION CHARGE.** Such permit will be issued only to a person who can satisfy the LPWD that he is competent to do such work. A permit and inspection charge, as set forth in this Ordinance shall be paid to the LPWD at the time of application for the permit.

4) **CAPACITY CHARGE PAYMENT REQUIRED.** Except as hereinafter provided, no person shall connect any building or other structure either directly or indirectly to the sewage disposal system without first paying to the LPWD a capacity charge determined in accordance with the schedule in effect at the time of permit application. The LPWD shall not issue a permit to connect to the sewage disposal system until the applicant for such a permit shall have paid the capacity charge.

The capacity charge shall be levied as follows:

- g) Residential User – One per EDU
- h) Nonresidential User – see section 3(D)4.

5) **VILLAGE MAY DISCONNECT.** If the LPWD ascertains that any property has been connected to the sewage disposal system without a proper permit, the LPWD may disconnect such property until such violation ceases. In the event a property is disconnected and subsequently reconnected under this section, the user or owner shall be subject to the disconnection/reconnection charges provided herein. Such charges shall be added to the user's water and sewer bill.

6) **ON-LOT EASEMENT AND WARRANTY REQUIRED.** The LPWD shall not issue a permit to connect to the system until the applicant shall have submitted the following:

- i) A properly executed on-lot easement for the operation and maintenance of the on-lot system on a form prescribed by the LPWD; and

- j) If a tank is moved it will be necessary for the owner to provide an easement for the new location of the tank and system.
- k) A warranty as specified hereafter to the LPWD to repair or replace the on-lot system, if it fails during the first year of operation.

The warranty required by this part shall be provided by the person constructing the on-lot system, whether such person is the owner of the property or an independent contractor.

The warranty shall read as follows:

I, (Name of Person Constructing On-Lot System), hereby guarantee and warrant to repair, remove or replace, at no cost or undue hardship to the Village of Lithopolis, any part or all of the on-lot system installed upon the following described property: (Property Description from Deed)

If such part or whole on-lot system should fail due to defects in workmanship, in the materials or due to failure to install the on-lot system in accordance with manufacturer or village on-lot system construction specifications. The guarantee and warranty shall run for a period of one (1) year from the date of connection.

 Witness

 Witness

 Signature
 [NOTARY CLAUSE]

- 7) INTERFERENCE PROHIBITED. No person shall construct any building, addition, structure, or plant within the on-lot system easement area that materially interferes with access to the on-lot system or service line. The on-lot system easement area is defined as five feet surrounding the septic tank and service line to the street.

C. SEWER CONSTRUCTION AND MAINTENANCE.

- 1) All building sewers or on-lot systems shall be inspected and approved by the LPWD after installation, but before covering with backfill. The person to whom the permit has been issued shall call the LPWD requesting inspection at least one day before the inspection is desired.
- 2) The construction shall include all facilities needed to connect to the pressure sewer. The materials and equipment used during the construction shall be purchased from the LPWD and turned over to the LPWD immediately following start-up testing and satisfactory operation. The installation shall conform to the specifications used for the original sewer project unless directed otherwise by the LPWD.
- 3) The building sewer shall be constructed of a size not less than four inches, internal diameter, and shall be of first grade quality of vitrified clay pipe, ABS pipe Schedule 40 PVC, cast iron pipe or asbestos-cement pipe using proper bends or curves for all changes in alignment or grade. All joints and connections shall be

made gas tight and water tight. The LPWD may require the sewer tapper to demonstrate the tightness of the joints by such tests as it may deem necessary and require additional jointing material or concrete collars at any or all joints.

- 4) The building sewer shall have a minimum fall of one-fourth (1/4) inch per linear foot of sewer from the building to the on-lot system. The LPWD may, by special permission in each case, authorize the building sewer to be constructed with a fall as little as one-eighth (1/8) inch per linear foot if it determines such procedures to be necessary. The junction between the building sewer and the house plumbing shall be made water tight. The interior of each length of pipe shall be made perfectly clean and free from offsets, fins and projections before the next length is connected thereto. All building sewers shall be graded by line and pole, the line being first leveled from the building to the public sewer and then lowered at the down stream end to obtain the required fall.
- 5) A separate and independent building sewer shall be provided for each residence or building; except where one building stands at the rear of another on an interior lot and separate building sewers cannot be made available to each building, thence one building sewer may be extended to serve both buildings. A permit shall be obtained for each building connected to the building sewer.
- 6) Foundation drains, gutters or downspouts shall not be connected, either directly or indirectly, to the building sewer or public sewer. If any drains are installed carrying surface water or subsurface water, they shall be constructed to carry waste to the street or other natural water course.
- 7) Surface water which collects in basement or foundation excavations shall not be discharged at any time into the building sewer. If the building sewer is completed before the house plumbing can be connected thereto, the building or sewer tapper shall keep the end of the building sewer tightly closed at all times with a plumber's plug or other water tight plug in order to prevent said surface or ground water from entering the building sewer.
- 8) Old or existing building sewers may be used in connection with new building or alternations only when it can be demonstrated that they conform in all respects to the requirements contained herein for new building sewers.
- 9) Building sewers shall not be constructed closer than three (3) feet to any exterior wall, cellar, basement or cistern nor shall they have less than two (2) feet of earth or stone cover.
- 10) Where the building sewer will cross unstable soil or close to a tree where roots may enter the joints, extra heavy cast iron pipe, solidly caulked with lead, or other means as approved by the LPWD may be required.
- 11) All excavations for sewers shall be open cut from the surface. The sides of the trench shall be substantially vertical, using such sheeting and bracing as may be necessary to accomplish this result. The bottom of the excavation shall be bedded

with a minimum of four (4) inches of granular fill and shaped to fit the lower half of the sewer so that the pipe will have uniform bearing from end to end. The width of the trench at the top of the pipe shall not exceed two (2) feet plus the outside diameter of the pipe nor shall the width at that point be less than one (1) foot plus the outside diameter of the pipe.

- 12) Water and gas service shall not be laid in the same trench as the building sewer.
- 13) The person to whom a permit is issued shall be responsible for obtaining any required permits to open cut any street, road or alley from the appropriate political body, official or person having authority or jurisdiction over such work.
- 14) The building sewer shall be backfilled to an elevation at least six (6) inches over the top of the pipe by tamping in six (6) layers. Soil containing stones larger than three (3) inches in the greatest dimension, shall not be used for backfill. The balance of the backfill may be deposited in any manner which will not damage the pipe or disturb the alignment or grade of the sewer; except that the balance of the backfilling shall be done in such a manner and with such materials as may be required by the permit.
- 15) For new connections into the pressure sewers, the connection methods must be approved by the LPWD prior to initiating construction of the building sewer. A concrete collar may be required.
- 16) The permit holder will be required to repair or restore any drains or service lines damaged or disturbed by him during the construction of the building sewer.
- 17) Upon the completion of construction of an on-lot system, the owner shall submit to the LPWD as as-built drawing accurately showing the location of the on-lot system, service line and other utility service lines on the property. Such as-built drawing will be filed with the permanent records of the LPWD to document the location of the on-lot system easement.
- 18) The village shall not own or be responsible for any maintenance, repair or replacement of an on-lot system until an owner has satisfactorily submitted and the LPWD has accepted the following:
 - a) Construction Permit Application
 - b) NCCC
 - c) Inspection Fees
 - d) Properly Executed On-Lot Easement
 - e) Properly Executed On-Lot Warranty
 - f) As-Built Drawing of On-Lot Location

g) Any Applicable Disconnection and Reconnection Charges

h) Installation Inspection Sheet

Upon the acceptance of all necessary fees and documents, the LPWD shall issue a written acceptance of the on-lot system subject to the one-year warranty.

- 19) Following construction of a building sewer or on-lot system, the property owner shall own, maintain, repair, or replace the building sewer from the building foundation to the publicly owned sewer. In the pressure sewer portion of the system, the publicly owned portion begins at and includes the septic tank inlet.
- 20) If the LPWD receives a service call for a property to investigate a sewage backup and performs services to clean a building sewer for which the owner is responsible, the LPWD may charge the owner for labor, material and equipment costs incurred. Such charges may be placed on the owner's water and sewer bill.

D. DISCHARGES TO THE PUBLIC SEWERS.

- 1) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.
- 2) Storm water, surface drainage, subsurface drainage, ground water, roof runoff, cooling water, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the local authorities. Industrial cooling water or unpolluted processed waters may be discharged on approval of the local authorities, to a storm sewer or natural outlet.
- 3) 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 the POTW. These general prohibitions apply to all users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards (40CFR Part 403) or any other national, state or local pretreatment standards or requirements.
- 4) No person shall discharge or cause to be discharged any of the following described waters or wastes into any public sewers:
 - a) Any waste water having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference; but in no case, waste water with a temperature at the introduction into the POTW which exceeds one hundred fifty degrees (150°) F or causing the temperature at the treatment facility to exceed one hundred four degrees (104°)F.
 - 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 can be sufficient, either alone or by interaction, to cause fire or explosion or be injurious in any other way to the operation of the POTW.

- 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.
- d) Any water 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 the sewage treatment plant, including cyanides.
- e) Any garbage that has not been properly shredded.
- 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 causing obstruction to the flow in sewers or other interference with proper operation of the sewage works.
- g) Any water or wastes containing Suspended Solids (SS) of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant, or any substance which may cause the POTW'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 the public sewer 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 iron, chromium, copper, zinc, and similar objectionable or toxic substances,; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits as may be established by the Water & Sewer Authority from time to time for such materials, and which might cause the POTW to violate its NPDES and/or other disposal system permits.
- k) Any water or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the LPWD 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 the POTW to violate its NPDES and/or other disposal system permits.

- l) Any radioactive wastes or isotopes of such half life or concentration as can exceed limits established by the LPWD in compliance with applicable state or federal regulations.
- m) Any water or wastes having a pH of less than 5.5 or in excess of 9.0.
- n) Materials which exert or cause:
 - i) Unusual concentrations of inert SS such as, but not limited to, Fullers 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, SS, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - iv) Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.
- o) Waters or wastes containing substances which are not amendable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- 5) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substance or possess the characteristics which, in the judgment of the LPWD, can have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the LPWD can take all actions necessary under this ordinance and the Ohio Revised Code to abate such action.

E. POWERS AND AUTHORITY OF INSPECTORS.

- 1) The LPWD agent bearing proper credentials and identification shall be permitted to enter all private properties through which the LPWD holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within such easement pertaining to the private property involved.
- 2) While performing the necessary work on private properties, the LPWD shall observe all safety rules applicable to the premises established by the owner and the LPWD.

- 3) The LPWD agent bearing proper credentials and identification shall present them to the owner, agent or present occupant of properties within the LPWD before entering for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions contained herein. The LPWD will also obtain and present a proper search warrant if the owner, agent or present occupant requests one. A request by the owner, agent or present occupant that the LPWD obtain a search warrant is an exercisable right of the requesting party and will not constitute failure to cooperate or a failure to comply with provisions herein. The LPWD will have no right to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond the point of having a direct bearing on the kind and source of discharge into the sewers or waterways to facilities for waste treatment.

F. LIMITING SEWER CONNECTIONS.

- 1) The LPWD shall limit connections into sewer lines if sufficient capacity to handle and treat additional wastewater is unavailable in the system.
- 2) Any person applying for a permit to connect to a public sewer shall provide, with the application for said building sewer permit, sufficient data as required by the LPWD regarding the location, type of wastewater and amount of flow to be conveyed to the public sewer.
- 3) Any costs associated with additional charges above those levied by the LPWD herein shall be borne by the person applying for the building sewer permit.

G. INJURY AND DAMAGE TO SEWAGE WORKS. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper or otherwise interfere with the functionality of or with any structure, appurtenance or equipment, which is part of the sewage disposal system. Any person violating this provision may be subject to immediate arrest under a charge of disorderly conduct and will be required to make restitution for said damages. Negligent damage to pumps or lift stations caused by foreign objects, unauthorized access or power issues shall be billed to the property owner via the Utility Billing system.

H. PROHIBITED DISCHARGES.

- 1) It shall be unlawful for any user to discharge, without a permit, to any natural outlet within any area under the jurisdiction of the LPWD, any wastewater except as authorized by the LPWD in accordance with this regulation.
- 2) In cases where the characteristics of sewage or industrial waste from any manufacturing or industrial plant, building or premises is such that it will damage the sewer system or cannot be treated satisfactorily at the wastewater treatment plant, the LPWD shall compel such users to dispose of such waste and prevent it from entering the sewer system.

I. NEW NONRESIDENTIAL USERS.

- 1) All nonresidential users proposing to connect to or to contribute to the treatment works must obtain a Nonresidential Discharge Permit at least sixty (60) days prior to connecting to or contributing to the LPWD's sewage disposal system.
- 2) Users required to obtain a Nonresidential Discharge Permit shall complete and file with the LPWD a Permit Application in the form prescribed by the LPWD and accompanied by the fee in effect at the time of application. In support of the Nonresidential Discharge Permit Application, the user will submit, in units and terms appropriate for evaluation, the following information:
 - a) Name, address and location (if different from the address);
 - b) SIC number according to Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
 - c) Wastewater constituents and characteristics as required by the LPWD as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 340(g) of the act and contained in 40 CFR, Part 136, as amended;
 - d) Time and duration of contribution;
 - e) Average daily and three (3) minute peak wastewater flow rates including daily, monthly and seasonal variations, if any;
 - f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by the size, location and elevation;
 - g) Description of activities, facilities and plant processes on the premises including all materials, which are to be discharged;
 - h) When known, the nature and concentration of any pollutants in the discharge which are limited by any authority, state or federal pretreatment standards and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
 - i) Each product produced by type, amount, process or processes, and rate of production;
 - j) Type and amount of raw material processes (average and maximum per day);
 - k) Number and type of employees and hours of operation of plant and proposed of actual hours of operation of pretreatment system;

- l) Any other information as may be deemed by the LPWD to be necessary to evaluate the permit application.

J. REGULATED NONRESIDENTIAL DISCHARGES.

- 1) 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 the sewage collection, pumping or treatment works greater than that imposed by the average sewage entering the sewage system, the LPWD may:
 - a) Require such manufacturing or industrial plant, building or premises to pretreat such sewage in such manner as specified by the LPWD before discharging it into the sewage system;
 - b) Require flow control or equalization of such wastes so as to avoid any “slug” loads or excessive loads that may be harmful to the treatment works; and
 - c) Require payment of a surcharge on any excessive loadings discharged to the treatment works to cover the additional costs of treating such wastes.

K. PRETREATMENT INTERCEPTORS.

- 1) All food establishments which maintain a kitchen or other facilities for the preparation of food may be required by the LPWD to have a grease interceptor of sufficient capacity, except such interceptor will not be required for private residential dwellings.
- 2) Other nonresidential users may be required by the LPWD to install grease, oil and sand interceptors of sufficient capacity if in the opinion of the LPWD they are necessary to protect the sewerage system.
- 3) All interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. All interceptors will be located as to be readily accessible for cleaning and inspection.

L. PRETREATMENT COSTS. Any pretreatment facility of flow equalizing facilities required by the LPWD shall be constructed, owned, maintained, repaired, and replaced at the cost of the owner. Prior to construction of such facilities, the owner will submit and receive the LPWD’s approval of detail design plans for the facilities. Thereafter, such facilities shall be maintained continuously in satisfactory operation at the cost of the owner.

M. PRETREATMENT REPORTING. 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 LPWD

during the months of June and December, unless required more frequently in the pretreatment standard or by the LPWD, 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, which during the reporting period exceeded the average daily flow. At the discretion of the LPWD and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the LPWD may alter the months during which the reports are to be submitted.

N. PRETREATMENT MONITORING.

- 1) 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 user's wastes including domestic sewage.
- 2) Control manholes or access facilities shall be located and built in a manner acceptable to the LPWD. If measuring devices are to be permanently installed, they shall be of a type acceptable to the LPWD. Plans for the installation of the control manholes or access facilities and related equipment shall be approved by the LPWD prior to the beginning of construction.
- 3) 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 "Guidelines Establishing Test Procedures for Analysis of Pollutants," and shall be determined at the control manhole provided or upon suitable samples taken at such control manhole.
- 4) In the event that no special manhole has been required, the control manhole shall be considered to be septic tank system at which the building sewer is connected.
- 5) Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to 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 SS analyses are obtained from twenty-four (24) hour composites of all outfalls, whereas pH's are determined from periodic grab samples.

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

- 1) Each nonresidential user may be required to provide protection 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 cost of the owner. Detailed plans showing facilities and operating procedures to provide such protection shall be submitted for review by the

LPWD and shall be approved by the LPWD before 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.

- 2) 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 LPWD that corrective action taken to prevent future discharges, shall be filed by the user within five (5) days of the occurrence of the non-complying discharge.

P. CREDIT FOR WATER NOT DISCHARGED INTO COLLECTION SYSTEM. There may occur times when water that passes through a water meter may not enter the wastewater collection system. Use of in-ground irrigation systems, broken water pipes or activation of fire protection systems are examples. The Village Administrator, after validating the claim may approve an adjustment on the account using the following criteria.

- 1) To determine the amount of any adjustment an average of the same months and the preceding and following months in the previous year shall be averaged and compared to the month(s) of the requested adjustment.
- 2) If the previous year average is not available, the previous three highest usage bills shall be averaged and compared to the month(s) of the requested adjustment.
- 3) If the adjustment request is made for seasonal usage (ie. In-ground irrigation), normal usage shall be calculated by averaging all previous months in the same calendar year.
- 4) This section shall not be for outside watering or filling pools where a portable deduct meter can be used.

ARTICLE 10

GRIEVANCES AND APPEALS

- A. Any user, whose account is current, aggrieved by a decision of the LPWD under this ordinance, may file a written grievance by certified mail with the LPWD. The written grievance shall set forth the substance of the LPWD's decision and the basis of the user's complaint. The LPWD shall immediately provide council with a copy.
- B. The LPWD shall investigate the grievance and issue a written report to council within fifteen (15) working days. The report should include the following:
 - 1) Name, address and location of the premises of the user;
 - 2) A summary of the user's claim; and
 - 3) A summary of the facts revealed by the LPWD's investigation.
- C. Council shall review the grievance and the report and issue a written decision within five (5) working days following the next council meeting.
- D. No legal action in the courts of the state or federal government shall be initiated by any user until completion of this administrative remedy.

ARTICLE 11

ENFORCEMENT AND PENALTIES

- A. Upon the violation of any provision of this regulation, except Section 8 (V) or Section 9(G) which may be enforced without notice, the LPWD shall serve written notice by actual delivery or certified mail upon the user. Such written notice shall adequately state the nature of the violation and provide at least ten (10) days for the correction of the violation, unless the LPWD finds a shorter period is required to protect the public health, safety or welfare.
- B. Upon the failure to correct the violation within the specified time limit, the LPWD may file in any court of competent jurisdiction an action for injunctive relief, civil damages and/or penalties.
- C. The following civil penalties shall apply for the violation of the any provisions of this ordinance:
 - 1. Not to exceed Five hundred dollars (\$500.00) for each violation, with each day constituting a separate violation.
 - 2. In addition to the foregoing civil penalties, the LPWD may recover civil damages for any expense, loss or damage, including attorney's fees, occasioned by a user's violation of this ordinance.

ARTICLE 12

VALIDITY

The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other section, clause, sentence or provision of this ordinance.

ARTICLE 13

CONFLICTING LEGISLATION REPEALED

All ordinances or parts of ordinances or regulations or parts of regulations in conflict with this ordinance are hereby repealed.

APPENDIX A

Definitions

1. **ACT:** Shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33U.S.C. 1251, et. seq.
2. **APPLICABLE PRETREATMENT STANDARD:** Shall mean pretreatment limit or prohibitive standard (federal and/or local), deemed to be the most restrictive, with which non-domestic users are required to comply.
3. **APPROVAL AUTHORITY:** Shall mean the Ohio Environmental Protection Agency and the United States Environmental Protection Agency.
4. **AUTHORITY:** Shall mean the Village of Lithopolis acting through its designated representative for all areas in Fairfield and Franklin Counties tributary to the Authority's treatment works.
5. **AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER:** Shall mean (1) a principal executive officer of at least the level of vice president, if the industrial user is a corporation; (2) a general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; (3) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the discharge originates.
6. **AVERAGE MONTHLY DISCHARGE LIMITATION:** Shall mean the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during the month.
7. **AVERAGE WEEKLY DISCHARGE LIMITATION:** Shall mean the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.
8. **BENEFICIAL USES.** Shall include, but are not limited to, domestic, municipal agricultural and industrial use, power generation, recreation, aesthetic enjoyment, navigation, and the preservation and enhancement of fish, wildlife, and other aquatic resources and intangible, as specified by state or federal law.
9. **BILLING DATE:** Shall be the actual date on the monthly billing statement for a particular month. Usually on or about the first day of each month.
10. **BIOCHEMICAL OXYGEN DEMAND (BOD):** Shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees (20°) centigrade expressed in terms of weight and concentration (milligrams per liter [mg/l]). Laboratory procedures shall be in accordance with the latest edition of Standard Methods.

11. **BUILDING DRAIN:** Shall mean that part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of a building and conveys it to the sewer, terminating outside the inner face of the building wall.
12. **BUILDING SEWER:** Shall mean the extension from the building drain to the municipal sewer or other place of disposal.
13. **CAPACITY FEE/CHARGE:** Shall mean the charge new users pay for their share of the costs to construct the facilities required for provision of water and sewer service. Revenues generated through these fees are used to directly offset system expansion costs or to repay debt issued to finance the systems expansion. Use of fee revenues to offset these debt service costs reduces the amount of user revenue required from rates assessed to existing users. This way, capacity fee/charge revenues, in effect, reimburse existing users (through lower rates) for the costs they have incurred to provide capacity for new users. Formula for calculating capacity charges shall be $[(\text{debt service} + \text{infrastructure replacement cost}) / \text{number of users}]$.
14. **CAPITAL COST.** Shall mean that portion of the cost of the treatment works which is directly attributable to the cost of principal and interest obligations issued to finance acquisition and construction of the wastewater system.
15. **CAPITAL IMPROVEMENTS CHARGE:** Shall mean that portion of the initial debt service charge proportionately allocated to each user.
16. **CARBONACEOUS BIOCHEMICAL OXYGEN DEMAND (CBOD):** Shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter not including nitrification under standard laboratory procedure in five (5) days at 20 degrees (20°) centigrade expressed in terms of weight and concentration (milligrams per liter [mg/l]). Laboratory procedures shall be in accordance with the latest edition of Standard Methods.
17. **CHEMICAL OXYGEN DEMAND (COD):** Shall mean the quantity of oxygen utilized in the chemical oxidation of organic matter under standard laboratory procedures, expressed in terms of parts per million by weight in accordance with procedures set forth in the latest edition of Standard Methods.
18. **CHLORINE REQUIREMENT:** Shall mean the amount of chlorine, in parts per million by weight, which must be added to sewage to produce a specified residual chlorine content, or to meet the requirements of some other objectives, in accordance with procedures set forth in the latest edition of Standard Methods.
19. **COMBINED SEWER:** Shall mean a sewer intended to receive both wastewater and storm or surface water.
20. **COMPATIBLE POLLUTANT:** Shall mean the BOD, SS, PH, and fecal coliform bacteria, plus additional pollutants identified in the Canal Winchester NPDES

permit if the treatment works were designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree.

21. COMPOSITE SAMPLE: Shall mean a sample that contains a minimum of eight (8) discrete samples taken at equal time intervals over the composting period or proportional to the flow rate over the composting period. More than the minimum number of discrete samples will be required where the wastewater loading is highly variable.
22. CONTROL MANHOLE: Shall mean a structure that provides access to a building sewer. A control manhole may be used as an inspection chamber and may contain certain testing equipment.
23. COOLING WATER: Shall mean the water discharge from any use such as air conditioning, cooling, or refrigeration, or during which only constituent added to the water is heat.
24. DAILY DISCHARGE: Shall mean the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar for purposes of sampling.
25. DEBT SERVICE CHARGES: Shall mean charges resulting from the capital investment in wastewater system consisting of the annual principal and interest payments and other amounts required in connection with the issuance and sale of bonds to provide the funds for construction.
26. EASEMENT: Shall mean an acquired legal right of the specific use of land owned by others.
27. EPA OR UNITED STATES ENVIRONMENTAL PROTECTION AGENCY: Shall mean the United States Environmental Protection Agency and may also be used, where appropriate, as a designation for the administrator or other duly authorized official of such agency.
28. EQUIVALENT DWELLING UNIT (EDU): Shall mean the measurement of a home equivalent based upon a flow rate of 175 gallons per day. Apartment units, homes, trailers, cottages and other single residential structures shall be considered as 1 EDU each, regardless of flow rate.
29. ETHER-SOLUBLE MATTER: Shall mean oil and grease that is soluble in ether, as measured in laboratory procedure made in accordance with the method set forth in Standard Methods.
30. FECAL COLIFORM: Shall mean any number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.

31. FLOATABLE OIL: Shall mean oil, fat or grease in a physical state, such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility.
32. FOUNDATION DRAINS: Shall mean subsurface drains laid around the foundation of a building, either within or outside of the building foundation, for the purpose of carrying ground or subsurface water to some point of discharge.
33. GARBAGE: Shall mean the residue from the preparation and dispensing of food, and from the handling, storage and sale of produce.
34. GRAB SAMPLE: Shall mean a sample that 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.
35. GREASE AND OIL: Shall refer to a group of substances including hydrocarbons, fatty acids, soaps, fats, waxes, oils, or any other material that is extracted by a solvent from an acidified sample and that is not volatilized during the laboratory test procedures. Greases and oils are defined by the method of their determination in accordance with Standard Methods.
36. GREASE AND OIL OF ANIMAL AND VEGETABLE ORIGIN: Shall mean substances that are of a less readily biodegradable nature such as are discharged by meat packing, vegetable oil, fat industries, food processors, canneries, and restaurants.
37. GREASE AND OIL OF MINERAL ORIGIN: Shall mean substances that are less readily biodegradable than grease and oil of animal or vegetable origin, and are derived from a petroleum source. Such substances include machinery lubricating oils, gasoline station wastes, petroleum refinery wastes, and storage depot wastes.
38. GROUND GARBAGE: Shall mean the residue from the preparation, cooking, and dispensing of food that has been shredded to such a degree that no particle is greater than one-half inch in any dimension.
39. INCOMPATIBLE POLLUTANT: Shall mean any pollutant that is not a compatible pollutant as defined herein.
40. INDUSTRIAL USER: Shall mean a person who discharges to the authority's wastewater disposal system liquid, solid or gaseous wastes resulting from the processes employed in industrial or manufacturing activities, or from the development, recovering, or processing of any natural resource. Industrial users are identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, under Divisions A, B, D, E and I.
41. INDUSTRIAL WASTE: Shall mean any liquid, solid or gaseous substance or form of energy, or combination thereof, resulting from process of industrial,

commercial, governmental and institutional concerns, manufacturing, business, trade, or research including the development, recovery or processing of natural resources, or from sources other than those generating waste defined as "normal domestic sewage" herein.

42. **INDUSTRIAL WASTE PERMIT:** Shall mean a formal permit to deposit or discharge industrial waste into any sanitary sewer, as issued by the authority.
43. **INFILTRATION:** Shall mean water other than wastewater that enters a sewer system (including building sewer connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.
44. **INFLOW:** Shall mean water other than wastewater that enters a sewer system from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.
45. **INFLUENT:** Shall mean the water, together with any waste that may be present, flowing into a drain, sewer, receptacle, or outlet and then to a sewage treatment plant.
46. **INSPECTION FEE:** Shall be the amount charged by the authority to inspect and issue a permit for new users to verify proper construction procedures and materials.
47. **INSTITUTIONAL USER:** Shall mean any person discharging wastewater from premises serving educational, social or eleemosynary purposes including, but not limited to, private schools, hospitals, nursing homes, churches and charitable organizations.
48. **INTERFERENCE:** Shall mean inhibition or disruption of the sewage treatment processes or operations which contributes to a violation of any requirements of the Canal Winchester NPDES permit. The term includes prevention of sewage sludge use or disposal by the treatment plant in accordance with Section 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of the Solid Waste Disposal Act) applicable to the method of disposal or use employed by the authority.
49. **MAJOR CONTRIBUTING INDUSTRY:** Shall mean any user of the authority's wastewater disposal system which (1) has a disposal flow of 25,000 gallons per average work day; or (2) has a flow in the Canal Winchester Wastewater Disposal System; or (3) has its wastes toxic pollutants as defined pursuant to

Section 307 of the Act; or (4) has significant impact, whether singly or in combination with other contributing industries, on the wastewater disposal system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

50. **MAXIMUM DAILY DISCHARGE LIMITATIONS:** Shall mean the highest allowable daily discharge.
51. **NATIONAL CATEGORICAL PRETREATMENT STANDARD OF PRETREATMENT STANDARD:** Shall mean any regulation containing pollutant discharge of limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.
52. **NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT:** Shall be issued by the State of Ohio or EPA pursuant to the Act for the purpose of regulation the discharge of sewage, industrial wastes and other wastes under the authority of Section 402 of the Act, into the navigable waters of the United States.
53. **NATURAL OUTLET:** Shall mean any outlet into a water course, pond, ditch, lake, or other body of surface or ground water.
54. **NEW SOURCE:** Shall mean any source of wastewater, the construction of which is commenced after the publication of regulations prescribing an applicable Section 307(c) (33 U.S.C. 1317) Categorical Pretreatment Standard is promulgated in the Federal Register.
55. **NORMAL DOMESTIC SEWAGE:** Shall mean wastewater characterized by wastes created in the preparation of foods, bathing, laundry facilities, and sanitary facilities, i.e., resulting from normal living functions conducted in a domicile with a concentration not exceeding 20 mg/l BOD and 200 mg/l suspended solids.
56. **NPDES:** See National Pollutant Discharge Elimination System Permit.
57. **ON-LOT SYSTEM:** Shall mean a publicly owned septic tank effluent pumping (STEP) system located on private property together with all electrical connections and appurtenances thereof. The public system begins at and includes the septic tank inlet.
58. **OPERATION AND MAINTENANCE COSTS:** Shall mean the current, reasonable and necessary costs of operation and maintenance of the wastewater disposal system including sewage treatment charges by Canal Winchester, paid or incurred, determined in accordance with generally accepted accounting principles, including replacement costs, but excluding payments of principle and of interest on obligations issued to finance the costs of acquisition and construction of the treatment works.

59. PARTS PER MILLION (ppm): Shall mean a weight-to-weight ratio. The parts per million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water. Milligrams per liter (mg/l) is a synonymous term.
60. PERSON: Shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, partnership, copartnership, joint stock company, trust, association, institution, enterprise, governmental agency, the State of Ohio, the United States of America, or other legal entity, or their representatives, agents, or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
61. pH: Shall mean the logarithm, base ten, of the reciprocal of the hydrogen ion concentration expressed in moles per liter. It shall be determined by one of the procedures outlined in Standard Methods.
62. POLLUTANT: Shall mean the dredged spoil, solid waste, incinerator residue, wastewater, garbage, wastewater sludge, munition, wrecked or discarded equipment, rock sand, cellar dirt, and industrial, municipal, commercial, domestic, and agricultural waste discharged into water.
63. POLLUTION: Shall mean an alteration of the quality of the waters of the state by waste to a degree that unreasonably affects such waters for beneficial uses or facilities that serve such beneficial uses. Pollution is the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of the water.
64. POTW: See sewage treatment plant.
65. PREMISES: Shall mean any piece of real estate having one or more sewers which may be connected whether individually or through a common sewer and directly or indirectly to the wastewater disposal system.
66. PRETREATMENT: Shall mean the process of reducing the amount of pollutants, eliminating pollutants, or altering the nature of pollutant properties in wastewater prior to introducing such pollutants into the authority's wastewater disposal system. The reduction, elimination or alteration may be obtained by physical, chemical or biological processes, process changes or other means except as prohibited by the ordinance.
67. PRETREATMENT REQUIREMENTS: Shall mean any substantive or procedural requirements related to pretreatment other than a National Pretreatment Standard imposed on an individual user.
68. PRIVATE ON-SITE TREATMENT FACILITIES: Shall mean any private sewage treatment facility located at the site where wastewater is being generated, when such facility is for the purpose of treating or pre-treating the generated wastewater before it enters the public sewer.

69. **PROPERLY SHREDDED GARBAGE:** See ground garbage.
70. **PUBLIC SEWERS:** Shall mean a sewer provided by or subject to the jurisdiction of the authority on public or private property. It also includes sewers within or outside the authority boundaries that serve one or more persons and ultimately discharge to the authority sanitary sewer system even though these sewers may not have been constructed with authority funds.
71. **PUBLICLY OWNED TREATMENT WORKS (POTW):** See sewage treatment plant.
72. **RECEIVING STREAM:** Shall mean the watercourse, stream or body of water receiving the waters finally discharged from the wastewater treatment plant.
73. **REIMBURSABLE EXPENSES:** Shall mean those costs incurred by the authority that are passed on to the users of the treatment works on whose behalf the expenses were incurred. Included will be such items as sampling costs and laboratory tests.
74. **REPLACEMENT:** Shall mean any 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 were designed and constructed. Also known as “equipment replacement costs.”
75. **SANITARY SEWER:** Shall mean a pressure sewer that carries wastewater and to which storm, surface and groundwaters are not intentionally admitted.
76. **SERVICE AREA:** Shall include all users connected with the treatment works including those in Fairfield and Franklin Counties outside the village corporation limits.
77. **SEWAGE:** Shall mean the water carried human, animal and household wastes in public or private drain and could include industrial wastes and unintentional groundwater infiltration and surface drainage.
78. **SEWAGE DISPOSAL SYSTEM:** Shall mean all facilities for collecting, pumping, treating, and disposing of sanitary sewage to and through the sewage treatment or disposal works or extensions thereof. This shall not include plumbing inside or in connection with building services or service sewers from a building to the publicly owned sewer connection.
79. **SEWAGE TREATMENT PLANT:** Shall mean an assemblage of devices, structures and equipment for treatment of sewage and industrial waste owned by the Village of Canal Winchester.
80. **SEWER:** Shall mean a pipe or conduit for carrying wastewater.

81. SEWERAGE: Shall mean the system of sewers and appurtenances for the collection, transportation and pumping of sewage and industrial waste.
82. SEWER SERVICE CHARGE: Shall mean an imposed charge upon all users receiving services from the authority's treatment works in a total amount sufficient to pay the costs of the system. Sewer service charges consist of a capital improvements charge, an operation and maintenance charge, a surcharge (if applicable), and a replacement charge.
83. SHALL, MAY: "Shall" is mandatory; "may" is permissible.
84. SLUDGE: Shall mean any solid, semi-solid or liquid waste generated by a public, 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 Sections 402 and 405 of the Act and in the applicable requirements under Sections 3001, 3004 and 4004 of the Solid Waste Disposal Act (PL94-580).
85. SLUG: Shall mean any discharge of water, sewage or industrial waste that, in concentration of any given constituent or in quantity of flow, exceeds for any period of longer duration than fifteen minutes more than five times its average hourly concentration or flow.
86. STANDARD INDUSTRIAL CLASSIFICATION (SIC): Shall mean the system that classifies industries pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, assigning a code (SIC Code) denoting the manufacturing process.
87. STANDARD METHODS: Shall mean the laboratory procedures set forth in the most recent edition of Standard Methods for the Examination of Water, Sewage and Industrial Wastes, published jointly by the American Public Health Association, the American Water Works Association and the Federation of Sewage and Industrial Wastes Association.
88. STORM SEWER OR STORM DRAIN: Shall mean a public or private sewer and public ditch that carries storm, surface and groundwater drainage but excludes sewage and industrial wastes.
89. STORMWATER RUNOFF: Shall mean that portion of rainfall that is drained into the storm sewers.
90. SURCHARGE: Shall mean the assessment in addition to the service charge that is levied on those persons whose wastes are greater in strength than the concentration values established as representative of normal sewage.
91. SUSPENDED SOLIDS (SS): Shall mean solids that either float on the surface of, or are in suspension or will settle in water, sewage or industrial waste and that are removable by a laboratory filtration device. Quantitative determination of

suspended solids shall be made in accordance with procedures set forth in Standard Methods.

92. TAP FEE: The installation cost and required hardware necessary to gain access to a water main. This cost is determined by the actual cost billed to the village plus 10%.
93. TOTAL SOLIDS: Shall mean the sum of suspended and dissolved solids.
94. TOXIC SOLIDS: Shall mean concentrations of any pollutant or combination of pollutants that upon exposure to or assimilation into any organism, will cause adverse effects such as cancer, genetic mutations, and psychological manifestations as defined in standards issued pursuant to Section 307(a) of the Act.
95. TREATMENT PLANT: See Sewage Treatment Plant.
96. UNPOLLUTED WATER OR UNPOLLUTED LIQUID: Shall mean any water or liquid containing none of the following: free or emulsified grease or oil; acids or alkaloids; substances that may impart taste, odor or color characteristics; toxic or poisonous substances in suspension, colloidal state or solution; or odorous or otherwise obnoxious gases. It shall not contain more than 2,500 parts per million by weight of dissolved solids and no more than ten parts per million each of Suspended Solids (SS) or Biochemical Oxygen Demand (BOD). Analytical determinations shall be made in accordance with procedures set forth in Standard Methods.
97. UPSET OR OPERATING UPSET: Shall mean an exceptional incident in which a discharge unintentionally and temporarily is in a state of noncompliance with the standards set forth hereto due to factors beyond the reasonable control of the discharger, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation thereof.
98. USEFUL LIFE: Shall mean the estimated period during which a treatment works will be operated.
99. USER CHARGE: Shall mean that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.
100. VIOLATE ORGANIC MATTER: Shall mean the material in the sewage solids transformed to gases or vapors when heated at 500° Centigrade for 15 to 20 minutes per Standard Methods.
101. WASTEWATER: Shall mean the liquid and water carried industrial 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, that is discharged into or permitted to enter the authority's treatment works.

102. WASTEWATER TREATMENT PLANT: See Sewage Treatment Plant.
103. WATERCOURSE: Shall mean a channel in which a flow of water occurs whether continuously or intermittently.
104. WATER METER: Shall mean a water volume measuring and recording device furnished and/or installed by a user and approved by the authority.
105. WATERS OF THE STATE: Shall mean all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drain age systems, and all other bodies of accumulations of water, surface or underground, natural or artificial, public or private which are contained within, flow through or border upon the state or any portion thereof.
106. WORKING CAPITAL: Shall mean a reasonable reserve of moneys within the system operating fund to provide a margin of safety for fluctuations of the cash flow in the fund.