



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

RECEIVED

OCT 01 2014

OHIO E.P.A.
N.W.D.O.

September 29, 2014

Re: NPDES Permit No.: 2PE00000*MD
Pretreatment Program modification -

Mayor and Council I
City of Lima
50 Town Square
Lima, OH, 45804

Ladies and Gentlemen:

Pursuant to the requirements of Section 6111 of the Ohio Revised Code and 40 CFR Part 403, the application submitted by City of Lima for approval of modification addition to its Publicly Owned Treatment Works (POTW) Pretreatment Program is hereby approved.

Local Industrial Discharge Limits

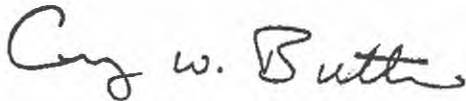
<u>Pollutant</u>	<u>Limit (lb/day)</u>
Chromium	24.0
Copper	12.0
Lead	5.04
Nickel	8.55
Zinc	19.2

This approval is conditioned on City of Lima compliance with terms of and the commitments made in this modification and the final application for the approval; and with all applicable provisions of the state and federal law governing POTW pretreatment programs. City of Lima's Sewer Use Ordinance (SUO) has been modified to incorporate terms of and commitments made in the final application.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Ohio Treasurer Josh Mandel", which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director

within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
17th Floor, 77 South High Street
Columbus, OH 43215



Craig W. Butler
Director

CWB/kep

CERTIFIED MAIL

cc: David L. Schnipke, Environmental Compliance Manager
Peggy Christie, NWDO
Journal Room
Pretreatment File



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

RECEIVED

JUL 25 2014

OHIO E.P.A.
N.W.D.O.

Re: NPDES Permit No.: 2PE00000*MD
Pretreatment Program modification -

July 24, 2014

Mayor and Council
City of Lima
50 Town Square
Lima, OH, 45801

Ladies and Gentlemen:

This letter is to inform you that the Ohio EPA, pursuant to the requirements of Section 6111.03(Q) of the Ohio Revised Code and 40 CFR 403.11, has determined that the application filed by City of Lima modification of its Publicly Owned Treatment Works Pretreatment Program meets the requirements of OAC Rule 3745-3-03(C).

In accordance with OAC Rule 3745-3-03(F), the Ohio EPA has issued a public notice of this determination which provides a public comment period concerning the submission. A copy of this notice is attached.

After the Agency evaluates the submission, together with any public comments, an official action approving or denying the submission will be issued.

If you have questions in this matter, please contact Ashley Ward, CN of the Pretreatment Unit at (614) 644-2001.

Sincerely,

Craig W. Butler
Director

CWB/kep

CERTIFIED MAIL

cc: David L. Schnipke, Environmental Compliance Manager
Allen County Combined Health District
Peggy Christie, NWDO
Pretreatment File
Journal Room

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

PUBLIC NOTICE NO. 14-07-049-PTM
APPLICATION FOR MODIFICATION OF THE
PRETREATMENT PROGRAM OF CITY OF LIMA

Notice is hereby given that the Director of the Ohio Environmental Protection Agency has determined that the application submitted by City of Lima for modification of its Publicly Owned treatment Works (POTW) Pretreatment Program meets the requirements of 40 CFR 403.9(b).

The City of Lima has proposed to change the following industrial discharge limitation for the Lima Wastewater Treatment Plant.

Local Industrial Discharge Limits

<u>Pollutant</u>	<u>Proposed Limit (mg/L)</u>
Chromium	24.0
Copper	12.0
Lead	5.04
Nickel	8.55
Zinc	19.2

These limits are technically based in order to prevent pass-through water quality violations, contamination of sludge, and the inhibition of biological wastewater treatment processes.

In accordance with OAC Rule 3745-3-03(F), all interested persons are entitled to submit written comments and/or request a public hearing concerning the application. Written comments and requests for public hearing must be submitted to the Ohio EPA, at the address provided below, by the close of business on September 15, 2014, in order to be considered as part of the record of proceeding.

The Ohio EPA will review all requests for a public hearing, and determine whether there is significant public interest. If significant public interest exists, a public hearing will be scheduled. A public notice of any public hearing will be provided to allow all interested persons an opportunity to attend the meeting.

After a review of the application and of public comments submitted with respect to the application, the Director will issue an official action approving or denying the application. However, the Regional Administrator for the United States Environmental Protection Agency, Region V, may also disapprove the application under procedures for filing objections to the Application under OAC Rule 3745-3-03(C). If the application is to be approved, procedures will be implemented to incorporate the modification to the approved pretreatment program to City of Lima National Pollutant Discharge Elimination System (NPDES) permit.

The complete application, together with supporting information, is available for public inspection at the following locations, during normal business hours (1) the Ohio EPA Hearing Clerk's Office

at the address provided below, (2) Northwest District Office 347 North Dunbridge Road, Bowling Green, Ohio 43402 (3) City of Lima WWTP, 1200 Fort Amanda Rd, Lima, OH, 45804

Written comments and requests for a public hearing should be submitted to: Hearing Clerk, Ohio Environmental Protection Agency, P.O. Box 1049, 50 West Town Street, Suite 700, Columbus, OH 43216-1049, (614) 644-3037.

For additional information in this matter, please contact Peggy Christie, NWDO, at (419) 352-8461 or Ashley Ward, Ohio EPA Pretreatment Unit, at (614) 644-2001.



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

RECEIVED

MAY 21 2014

OHIO E.P.A.
N.W.D.O.

May 20, 2014

Re: NPDES Permit No.: 2PE00000*MD
Pretreatment Program addition -
Pretreatment Modifications – Streamlining
Modifications

Mayor and Council
City of Lima
50 Town Square
Lima, OH, 45801

Ladies and Gentlemen:

Pursuant to the requirements of Section 6111. of the Ohio Revised Code and 40 CFR Part 403, the application submitted by City of Lima for approval of an addition to its Publicly Owned Treatment Works (POTW) Pretreatment Program is hereby approved.

Ohio EPA received a pretreatment modification request to add the required streamlining rules to the city's Sewer Use Ordinance (SUO). The modifications to the SUO have been finalized by the city.

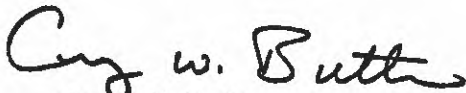
The streamlining modification was reviewed for compliance with 40 CFR Part 403 and OAC 3745-3. The City included the language for the optional streamlining rules for Non-Significant Categorical Users.

This approval is conditioned on City of Lima compliance with terms of and the commitments made in this addition and the final application for the approval; and with all applicable provisions of the state and federal law governing POTW pretreatment programs. City of Lima NPDES permit will be modified to incorporate terms of and commitments made in the final application.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Ohio Treasurer Josh Mandel", which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission.

Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
17th Floor, 77 South High Street
Columbus, OH 43215



Craig W. Butler
Director

CWB/dks

CERTIFIED MAIL

cc: David L Schnipke, Environmental Compliance Manager
Justin Williams, NWDO/DSW
Allen County Health Department
Pretreatment File
Journal Room



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

December 19, 2013

David L. Schnipke, Environmental Compliance Manager
City of Lima
50 Town Square
Lima, Ohio 45801

Dear Mr. Schnipke:

On August 16, 2013, Ohio EPA received a pretreatment modification request to revise the existing local industrial discharge limitations for the City Lima's wastewater treatment plant. The city has also submitted a pretreatment modification request to add the streamlining rules to the city's Sewer Use Ordinance (SUO). Ohio EPA has completed its review of the city's proposed pretreatment program modifications.

The streamlining modification was reviewed for compliance with 40 CFR Part 403 and Ohio Administrative Code (OAC) Chapter 3745-3. The inclusion of the optional streamlining rules for Non-Significant Industrial Users is considered a substantial modification. Ohio EPA has the following comments about the proposed modifications to the city's SUO:

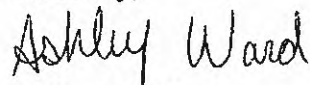
1. 1040.01 (T). The "Industrial User" definition should include any process that creates a non-domestic waste, not limited to manufacturing activities involving the mechanical or chemical transformation of material or substance into other products. The definition for "Industrial User" found in OAC Chapter 3745-3-01 is "a source of indirect discharge."
2. If not found in the industrial user permits, please add definitions for grab sample, composite sample and instantaneous limit to the city's SUO.
3. 1040.143 (F)(7). Please change 30 days to 45 days to be consistent with OAC 3745-3-03 (C)(2)(h)(vi).

The technical justification report to revise the existing local industrial discharge limitations was reviewed for compliance with the general pretreatment regulations as well as other existing requirements. Ohio EPA has the following comments about the Local Limits Technical Justification Study Report:

1. Data from outfall 604 was used to calculate removal efficiencies, while outfall 001 flow data was used. To be consistent, please use flow data from outfall 604.
2. In order to adequately calculate removal efficiency, there needs to be data for at least 50 percent of effluent data points and 30 percent of influent data points. There is not enough data to calculate removal efficiencies for cadmium, chromium, lead or nickel. Please use literature values for these parameters.
3. When calculating removal efficiency, if a data point is below detection for influent use the minimum detection level, for effluent use half of the minimum detection level.
4. Rpotw, Rprim and Rsec are not the same. In the provided local limits calculation tables the same values were used for all three of these variables. Rprim is the removal efficiency across primary treatment and Rsec is the removal efficiency across secondary treatment. If you don't have calculated values, literature values can be found in Appendix R of *Local Limits Development Guidance*, US EPA, located at <http://epa.ohio.gov/portals/35/pretreatment/FinalLocalLimitsAppendices.pdf>.
5. There are three industries with selenium values higher than domestic background concentrations, but no limit, monitoring or best management practices are proposed.
6. Part I.C of permit No. 2PE00000*MD required the evaluation of antimony, hexavalent chromium and free cyanide. There is no mention of these parameters in the Local Limits Technical Justification Study Report. Please do an evaluation of these parameters by adding them to the local limits calculation tables or provide sampling data that indicates that these parameters are not present in the industrial users' discharges at concentrations greater than the domestic concentrations.
7. Typically the most stringent literature inhibition values are used. Please justify using higher inhibition values in the local limits calculation tables.

Please address the comments above and resubmit a revised copy of the city's SUO and Local Limits Technical Justification Study Report. If you have questions please contact Ashley Ward at (614) 644-4852 (Ashley.Ward@epa.ohio.gov).

Sincerely,



Ashley Ward
Division of Surface Water
Ohio EPA

cc: Justin Williams, NWDO; pretreatment file

Williams, Justin

From: Williams, Justin
Sent: Wednesday, December 18, 2013 10:50 AM
To: Ward, Ashley
Subject: RE: City of Lima Pretreatment Mod request

Hi Ashley,

I have no comments for or objections to your letter. Looks good. Please proceed.

Justin A. Williams
Environmental Specialist II
Ohio EPA – Division of Surface Water
Northwest District Office
347 N. Dunbridge Road
Bowling Green, OH 43402
Phone: (419) 373 – 3022
Fax: (419) 352 – 8468
Email: Justin.Williams@epa.ohio.gov

From: Ward, Ashley
Sent: Tuesday, December 17, 2013 11:05 AM
To: Williams, Justin
Subject: RE: City of Lima Pretreatment Mod request

Attached. Thanks!

From: Williams, Justin
Sent: Tuesday, December 17, 2013 9:58 AM
To: Ward, Ashley
Subject: RE: City of Lima Pretreatment Mod request

Hi Ashley,

Can you scan and send me the two documents from Lima? We didn't receive them and I'd like to briefly review them in order to respond to your request for comments.

Thank you,

Justin A. Williams
Environmental Specialist II
Ohio EPA – Division of Surface Water
Northwest District Office
347 N. Dunbridge Road
Bowling Green, OH 43402
Phone: (419) 373 – 3022
Fax: (419) 352 – 8468
Email: Justin.Williams@epa.ohio.gov

From: Ward, Ashley
Sent: Monday, December 16, 2013 3:52 PM
To: Laake, Ryan; Williams, Justin
Subject: City of Lima Pretreatment Mod request

Hello,

Can you both review the attached letter to Lima requesting revisions to the city's Pretreatment Modification request?

Thanks,
Ashley

Williams, Justin

From: Ward, Ashley
Sent: Wednesday, February 05, 2014 4:44 PM
To: David L Schnipke
Cc: Williams, Justin
Subject: RE: City of Lima SUO Revisions
Attachments: Staff Opinion Streamlining.doc

Good evening David,

I'm attaching the staff opinion letter for the streamlining modification request. A hard copy will be placed in tomorrow's mail. After city Council approves the revised Sewer Use Ordinance, please send me a copy. At that point I can public notice the SUO and after the comment period is over, the OEPA Director can approve it.

Don't hesitate to contact me if you have any questions.

Thanks,
Ashley Ward

From: David L Schnipke [<mailto:david.schnipke@cityhall.lima.oh.us>]
Sent: Tuesday, January 14, 2014 3:26 PM
To: Ward, Ashley
Subject: RE: City of Lima SUO Revisions

Ashley,

See attached pdf file. I scanned the first page of your letter to the file and then indicate where you can find the revisions per your letter.

If this meets with your approval I will go ahead and submit it to our Law Director to develop the legislation necessary for City Council approval.

Please shoot me a quick reply to indicate you received this email and attachment properly. Thanks.

David L. Schnipke
Environmental Compliance Manager
419-221-5294

February 5, 2014

David L. Schnipke, Environmental Compliance Manager
City of Lima
50 Town Square
Lima, Ohio 45801

Dear Mr. Schnipke:

On January 14, 2014, Ohio EPA received a revised pretreatment modification request to add the streamlining rules to the city's Sewer Use Ordinance (SUO). Ohio EPA has completed its review of the city's proposed pretreatment program modification.

The streamlining modification was reviewed for compliance with 40 CFR Part 403 and Ohio Administrative Code (OAC) Chapter 3745-3. The inclusion of the optional streamlining rules for Non-Significant Industrial Users is considered a substantial modification. It has been determined that the proposed modification meets all necessary requirements and is acceptable.

Please submit a **compact disc (CD)** that contains a pdf file(s) for the Council approved SUO upon its finalization. If you have any questions or comments regarding the review of this modification request, please do not hesitate to contact me at (614) 644-4852.

Sincerely,

Ashley Ward
Division of Surface Water

cc: Justin Williams, NWDO-DSW
Pretreatment File

Introduced by McLean Councilman
 Seconded by Adams Councilman
 Form Approved Ally L / 18 Director of Law
 PUBLICATION: I hereby certify that Ord. No. _____ was published in
 a summary manner according to law in the Lima News on _____

Sally Clemans, Clerk

AN ORDINANCE AMENDING SECTION 1040.01 OF THE CODIFIED ORDINANCES OF LIMA, OHIO.

VOTE	1ST		2ND		3RD	
	Y	N	Y	N	Y	N
GORDON	✓					
McLEAN	✓					
LOWE	✓					
TEBBEN	✓					
ADAMS	✓					
GLENN	✓					
MILES	✓					
NIXON	✓					
TOTAL	8	0				

WHEREAS, this Council desires to amend Section 1040.01 to revise the Definitions used in Chapter 1040 in order to comply with new USEPA rules; and,

WHEREAS, it is necessary to immediately enact this amendment in order to comply with USEPA rules, to preserve the public peace, property, health and safety, and to provide for the usual daily operation of the municipal government, and by reason thereof, this Ordinance shall take effect forthwith upon its passage; **Now, therefore**,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LIMA, OHIO, WITH AT LEAST A MAJORITY OF THE MEMBERS ELECTED THERETO CONCURRING:

Section 1. Section 1040.01 Codified Ordinances of Lima, Ohio, is hereby amended as follows:

See attached Exhibit A for Section 1040.01 amendment

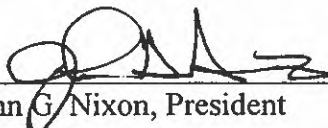
Section 2. Existing Section 1040.01 is hereby amended as set forth above, and any previous sections or ordinances in conflict herewith are hereby repealed.

Section 3. Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the adoption of this ordinance were taken in an open meeting and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings held in compliance with the law.

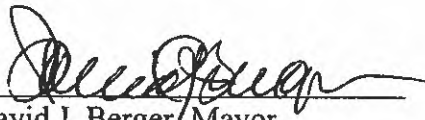
Section 4. The Clerk of Council be, and hereby is, authorized and directed to cause publication of this Ordinance to be made in a summary manner as provided by the City Charter.

Section 5. This ordinance shall take effect and be in force forthwith upon passage by an affirmative vote of at least two-thirds of the members elected to council at the first reading hereof. If it shall not so pass it shall take effect and be in force forthwith upon passage by an affirmative vote of at least two-thirds of the members elected to council at the second reading hereof. If it shall not so pass at second reading then it shall take effect and be in force forthwith upon passage by an affirmative vote of at least a majority of the members elected to council at the third reading hereof. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed: February 24, 2014


John G. Nixon, President

Approved: February 24, 2014


David J. Berger, Mayor

Attest: Sally Clemans
Sally Clemans, Clerk

Exhibit A

1040.01 DEFINITIONS.

As used in this chapter:

- (A) "Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.
- (B) "Best management practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in OAC 3745-3-04. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- (C) "Biochemical oxygen demand" (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, as prescribed in 40 CFR, Part 136, in five days at 20°C, expressed in milligrams per liter.
- (D) "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building, and conveys it to the building sewer, terminating five feet (1.5 meters) outside the inner face of the building wall.
- (E) "Building sewer or house connection" means the extension from the building drain to the public sewer or other place of disposal.
- (F) "Bypass" means the intentional diversion of waste streams from any portion of an industrial user's treatment facility.
- (G) "Chemical oxygen demand (COD)" means the quantity of oxygen equivalent to that portion of the organic matter in a sample of wastewater that is susceptible to oxidation by a strong chemical oxidant, as prescribed in 40 CFR, Part 136, expressed in milligrams per liter.
- (H) "Capital charges" mean those amounts paid by the owner of each structure connected to the treatment works, proportionate to the probable demand placed on the system to pay the debt service requirements and capital expenditures to enlarge or improve the wastewater facilities. Those structures outside the City shall have included in their capital charge an amount equivalent to the sum paid by the owners' property inside the City through assessments, taxes and investments in facilities already paid for by City residents.
- (I) "Categorical Standards" means National Categorical Pretreatment Standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to the treatment works of the City promulgated by the United States Environmental Protection Agency (USEPA) pursuant to the Act for specific industrial subcategories as listed in Appendix C of 40 CFR (Code of Federal Regulations), Part 403.
- (J) "Combined sewer" means a sewer intended to serve as a sanitary sewer and a storm sewer, or as an industrial sewer and a storm sewer.
- (K) "Commercial User" means retail or wholesale business establishments that discharge primary normal strength wastewater into the public wastewater treatment system, works and facility.

- (L) "Composite sample" means a combination of individual samples collected at periodic intervals of the entire discharge day. The composite must be flow proportional; either the time interval between each individual sample or the volume of each individual sample must be directly proportional to either the wastestream flow at the time of the sampling or the total wastestream flow since the collection of the previous sample. Samples may be collected manually or automatically.
- (M) "Compatible pollutants" mean pollutants which the treatment plant was designed to treat, which are BOD, SS, phosphorus, ammonia (NH₃) and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the publicly-owned treatment works was designed to treat such pollutants and in fact does remove such pollutants to a substantial degree.
- (N) "Connection charge" means that amount paid by the owner of each new or old structure to be connected to the treatment works.
- (O) "Director" means the Director of Utilities of the City, or his authorized agent or representative.
- (P) "Discharger" is used interchangeably with "user" and means those premises connected or required to be connected to the public sewer. "Discharger", where the context requires, means "person".
- (Q) "Easement" means an acquired legal right for the specific use of land owned by others.
- (R) "Floatable oil" means oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable fat if it is properly pretreated and does not interfere with the collection system.
- (S) "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.
- (T) "Grab sample" means an individual sample collected at such time and location as to be representative of the discharge.
- (U) "Incompatible pollutant" means any pollutant which is not compatible.
- (V) "Indirect discharge" means a discharge from a facility to the collection system of a publicly owned treatment works.
- (W) "Industrial user" (IU) shall include users discharging waste from any process that creates a non-domestic waste, not limited to manufacturing activities involving the mechanical or chemical transformation of material or substance into other products. These activities occur in establishments usually described as plants, factories, or mills and characteristically use power-driven machines and material-handling equipment.
- (X) "Industrial wastes" mean the wastewater from industrial processes, trade or business as distinguished from domestic or sanitary wastes.
- (Y) "Instantaneous limit" means the maximum allowable concentration of a pollutant determined from the analysis of any discrete or composite

sample collected, independent of the flow rate and the duration of the sampling event.

- (Z) "Institutional/Governmental user" means hospitals, nursing homes, schools, city, county, state or federal buildings or facilities that discharge wastewater into the public wastewater treatment system, works and facility.
- (AA) "Interference" means discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
 - (1) Inhibits or disrupts the POTW, its treatment processes, or operations, or its sludge processes, use or disposal; and
 - (2) Therefore is a cause of violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA); the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
- (BB) "Major addition or alteration" means the addition of 2,000 square feet or more to an existing structure or an alteration of an existing structure which changes its use within the listing of equivalent factors set forth in Section 1040.08, and which also causes an increased discharge in the volume of wastewater.
- (CC) "May" is permissive.
- (DD) "Natural outlet" means any outlet, including the outlet of storm sewers, into a watercourse, pond, ditch, lake or other body of surface or groundwater which does not require an NPDES discharge permit.
- (EE) "New source" means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
 - (1) The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - (2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of

- pollutants at an existing source; or
- (3) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site.
- (FF) "Nonindustrial user" means all users of the wastewater facilities not classified as an industrial user.
- (GG) "Non-significant Categorical User" means any industrial user who meets all of the following:
- (1) Does not discharge more than 100 gallons per day of total categorical wastewater (does not include sanitary, non-contact cooling, and/or boiler blowdown wastewater unless it is specifically included in the categorical pretreatment standard) ; and
 - (2) does not discharge at any time any untreated concentrated wastewater which is regulated by categorical pretreatment standards
- (HH) "Non-significant industrial user" means any IU who meets all of the following:
- (1) Does not discharge any wastes that could adversely affect the POTW;
 - (2) Does not discharge any wastes subject to categorical standards; and
 - (3) Does not meet any of the requirements listed under the "significant industrial user" definition
- (II) "NPDES permit" means the National Pollutant Discharge Elimination System permit, as issued by the Ohio Environmental Protection Agency under authorization issued by the U.S. EPA, Region Five, March 11, 1974.
- (JJ) "OEPA" means the Ohio Environmental Protection Agency.
- (KK) "Operation, maintenance and replacement costs" mean those costs, including labor, materials, supplies, equipment, accessories and appurtenances, required to operate the facilities, keep the facilities in operating condition and maintain the capacity and performance during the service life of the treatment works for which such works were designed and constructed.
- (LL) "Pass through" means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).
- (MM) "Person" means any individual, firm, company, partnership, association, society, corporation or group.
- (NN) "pH" means the logarithm of the reciprocal of hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.
- (OO) "Phosphorus" means the total phosphorus content of a sample, including

all of the orthophosphates and condensed phosphates, both soluble and insoluble, and organic and inorganic species, and referred to in 40 CFR Part 136 as total phosphorus.

(PP) "POTW" means publicly-owned treatment works.

(QQ) "Pretreatment" means the reduction of the amount of pollutants, the elimination or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging such pollutants into the publicly-owned treatment works. The reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means, except dilution.

(RR) "Pretreatment standards" means any limitations or restrictions imposed upon the discharge to the sewer from non-domestic users, in order to prevent:

- (1) Pass through;
- (2) Interference;
- (3) Harm to the sewers or treatment works;
- (4) Adverse effect on the receiving stream;
- (5) Inhibition of sludge disposal options;
- (6) Violations of the NPDES limits;
- (7) Endangerment of the health or safety of POTW workers or the public;
- (8) Endangerment of public property; or
- (9) Creation of a nuisance.

"Pretreatment standards" include categorical pretreatment standards and any local limitations and prohibitions established by the Director to fulfill the pretreatment program requirements contained in the City NPDES permit.

(SS) "Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

(TT) "Public sewer" means a common sewer controlled by a governmental agency or public utility.

(UU) "Residential User" means a principal family residence or habitation classified as a single-family, multi-family, or apartment dwelling that discharges domestic sanitary wastewater having characteristics of 250 milligrams per liter biochemical oxygen demand and 200 milligrams per liter suspended solids into the public wastewater treatment system, works, and facility.

(VV) "Sanitary sewer" means a sewer that carries liquid and/or water-carried

wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

(WW) "Segregated domestic wastes" means wastes which are characterized by a per capita discharge of 100 gallons per day at a loading of 200 mg/l BOD and 250 mg/l SS, commonly termed "normal domestic sewage."

(XX) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. "Severe property damage" does not mean economic loss caused by delays in production.

(YY) "Sewer" means a pipe or conduit that carries wastewater or drainage water.

(ZZ) "Shall" is mandatory.

(AAA) "Significant industrial user" means:

(1) Except as provided in division B. of this definition, the term "significant industrial user" includes:

(a) All industrial users subject to categorical pretreatment standards; and,

(b) Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW; contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or has a reasonable potential, in the opinion of the Director, to adversely affect the POTW's operation or for violating any pretreatment standard or requirement.

(c) The Director may at any time, on his own initiative or in response to a petition received from an industrial user, determine that a noncategorical industrial user is not a significant industrial user if the industrial user has no reasonable potential to adversely affect the POTW's operation or for violating any pretreatment standard or requirement.

(BBB) "Slug" means any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.

(CCC) "Storm drain" or "storm sewer" means a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

- (DDD) "Suspended solids (SS)" mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in 40 CFR Part 136, and referred to as nonfilterable residue.
- (EEE) "Treatment works" mean any and all devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature, or necessary to recycle or reuse water at the most economical cost over the useful life of the works, including interceptor sewers, outfall sewers, sewage collection systems, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof, elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal wastes, including storm water runoff, or industrial waste, including waste in combined storm water and sanitary sewer systems.
- (FFF) "Unpolluted water" means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- (GGG) "Upset" means an exceptional incident in which a discharger unintentionally or temporarily is in a state of noncompliance with categorical pretreatment standards due to factors beyond the reasonable control of the discharger. Specifically excluded is noncompliance due to such incident to the extent that it is caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.
- (HHH) "USEPA" means the United States Environmental Protection Agency.
- (III) "User charge" means that amount paid by each owner of structures connected to the treatment works proportionate to the service provided. This charge shall cover all operation, maintenance and replacement costs for the facilities.
- (JJJ) "Wastewater" or "sewage" means the spent water of a community, and may be a combination of the liquid and water-carried wastes

Introduced by McLean Councilman
 Seconded by Tebben Councilman
 Form Approved Anthony L. G. Director of Law
 PUBLICATION: I hereby certify that Ord. No. _____ was published in
 a summary manner according to law in the Lima News on _____

Sally Clemans, Clerk

**AN ORDINANCE AMENDING SECTION
 1040.143 OF THE CODIFIED ORDINANCES OF
 LIMA, OHIO.**

VOTE	1ST		2ND		3RD	
	Y	N	Y	N	Y	N
GORDON	✓					
McLEAN	✓					
LOWE	✓					
TEBBEN	✓					
ADAMS	✓					
GLENN	✓					
MILES	✓					
NIXON	✓					
TOTAL	8	0				

WHEREAS, this Council desires to amend Section 1040.143 to revise the Enforcement of Chapter 1040 in order to comply with new USEPA rules; and,

WHEREAS, it is necessary to immediately enact this amendment in order to comply with USEPA rules, to preserve the public peace, property, health and safety, and to provide for the usual daily operation of the municipal government, and by reason thereof, this Ordinance shall take effect forthwith upon its passage; **Now, therefore,**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LIMA, OHIO, WITH AT LEAST A MAJORITY OF THE MEMBERS ELECTED THERETO CONCURRING:

Section 1. Section 1040.143 Codified Ordinances of Lima, Ohio, is hereby amended as follows:

See attached Exhibit A for Section 1040.143 amendment

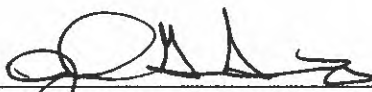
Section 2. Existing Section 1040.143 is hereby amended as set forth above, and any previous sections or ordinances in conflict herewith are hereby repealed.

Section 3. Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the adoption of this ordinance were taken in an open meeting and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings held in compliance with the law.

Section 4. The Clerk of Council be, and hereby is, authorized and directed to cause publication of this Ordinance to be made in a summary manner as provided by the City Charter.

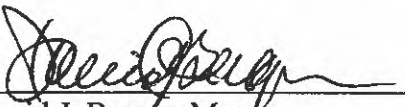
Section 5. This ordinance shall take effect and be in force forthwith upon passage by an affirmative vote of at least two-thirds of the members elected to council at the first reading hereof. If it shall not so pass it shall take effect and be in force forthwith upon passage by an affirmative vote of at least two-thirds of the members elected to council at the second reading hereof. If it shall not so pass at second reading then it shall take effect and be in force forthwith upon passage by an affirmative vote of at least a majority of the members elected to council at the third reading hereof. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed: February 24, 2014



John G. Nixon, President

Approved: February 24, 2014



David J. Berger, Mayor

Attest: Sally Clemans

Sally Clemans, Clerk

Exhibit A

1040.143 ENFORCEMENT.

- (A) **Notification of Violation.** Whenever the Director finds that any industrial user has violated or is violating this chapter or a wastewater permit or order issued hereunder, the Director may serve upon said user written notice of the violation. Within ten days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.
- (B) **Show Cause Hearing.** The Director may order any industrial user which causes or contributes to violation of this chapter or wastewater permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action and the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days prior to the hearing. Such notice may be served on any principal executive, general partner or corporate officer. Whether or not a duly notified industrial user appears as noticed, immediate enforcement action may be pursued.
- (C) **Administrative Order.** When the Director finds that an industrial user has violated or continues to violate this chapter or a permit or order issued thereunder, he may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.
- (D) **Emergency Suspensions.** The Director may suspend the wastewater treatment service and/or wastewater permit of an industrial user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.

Any user notified of an emergency suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Director shall take such steps as

deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director shall allow the user to recommence its discharge when the endangerment has passed, unless the termination proceedings set forth in subsection (E) hereof are initiated.

A detailed written statement shall be submitted by the user within fifteen days of the date of the occurrence, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence.

(E) Termination of Permit. Any user who violates the following conditions of this chapter, or an industrial discharge permit or order, or any applicable State and Federal law, is subject to permit termination:

- (1) Violation of permit conditions;
- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (3) Failure to report significant changes in operations or wastewater constituents and characteristics;
- (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling.

Noncompliant industrial users shall be notified of the proposed termination of their discharge permit and be offered an opportunity to show cause under subsection (B) hereof why the proposed action should not be taken.

(F) Annual Publication. At least annually, the Director shall publish a list of all industrial users which at any time during the previous twelve months were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, an industrial user is in significant noncompliance if its violations meet one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits (applies only to SIUs), defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) an instantaneous limit, the daily maximum limit, or the average limit for the same pollutant parameter;
- (2) Technical review criteria (TRC) violations (applies only to SIUs), defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of an instantaneous limit, the daily maximum limit, or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other