

ORDINANCE NO. 142-2016

**TITLE: AMEND BARBERTON CODIFIED ORDINANCES
CHAPTER 1054 – INDUSTRIAL WASTE DISCHARGES**

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 1054,
“INDUSTRIAL WASTE DISCHARGES,” OF THE BARBERTON CODIFIED
ORDINANCES, AND DECLARING AN EMERGENCY.**

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Barberton,
State of Ohio:

SECTION 1. That Section 1054.04 “Prohibited Discharges” and Section 1054.26
“Surcharges” of Chapter 1054 of the Barberton Codified Ordinances entitled “Industrial
Waste Discharges,” shall be amended by showing deletions using a ~~striketrough~~ and
additions in **bold print**, and which now reads as follows:

1054.04 **PROHIBITED DISCHARGES.**

(a) General Prohibitions. No user shall discharge to the POTW any pollutants
which cause pass through or interference. This general prohibition and the specific
prohibitions provided in subsection (b) hereof apply to each user, whether or not the user is
subject to other national pretreatment standards or any national, State, or local pretreatment
requirements.

(b) Specific Prohibitions. No industrial user shall discharge, or cause to be
discharged, any of the following described pollutants, water, or wastes to any public sewer.

- (1) Any solid or viscous pollutants, such as construction materials, ashes,
cinders, sand, metal, glass, grease, tar, plastic, wax, or wood, in amounts
which cause obstruction to the flow in the POTW resulting in
interference.
- (2) Pollutants which create a fire or explosion hazard in the POTW,
including, but not limited to, pollutants with a closed cup flashpoint of
less than 140 degrees Fahrenheit as determined by closed cup test
methods (Pensky-Martens or Setaflash), specified in 40 CFR 261.21.
- (3) Heat in amounts that will inhibit biological activity in the POTW
treatment plant, resulting in interference or causing damage, but in no
case heat in such quantities that the temperature exceeds forty degrees
Celsius (104 degrees Fahrenheit) at the end of pipe prior to discharge to
the POTW treatment plant.
- (4) Any water or wastes that are acid or alkaline in reaction and having
corrosive properties capable of causing damage or hazard to structures,
equipment, or City personnel. The pH of such wastes must be
neutralized at all time to range between 6.0 and 10.0 at all times.
- (5) Any petroleum oil, non-biodegradable cutting oil, or products of mineral
oil origin in amounts that will cause interference or pass through at the
POTW treatment plant.
- (6) Any wastewater containing biodegradable oil and grease of animal or
vegetable origin exceeding 200 mg/l.
- (7) Any slug discharge, which shall mean 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.
- (8) Pollutants which result in the presence of toxic gases, vapors, or fumes
within the POTW in a quantity that may cause acute health and safety
problems to personnel, or prevent entry into the sewerage system for
purposes of inspection, maintenance, or monitoring activities.

- (9) Any liquids or wastes containing radioactive materials or isotopes.
- (10) Any trucked or hauled wastes, except septic wastes of residential origin, which shall be discharged only at the POTW treatment plant septic waste collection tank, and only by haulers approved by the City. Discharge of any other wastes, or of septic wastes at any other location, without the express approval or permission of the Superintendent shall be considered a violation subject to enforcement action, including fines and penalties allowed under this chapter.
- (11) Any wastewater containing surfactants or other foam causing material in quantities creating foaming problems at the POTW treatment plant or in the receiving waters.
- (12) Any wastewater containing an objectionable color not removed in the treatment process, caused by, but not limited to, dye wastes and vegetable tanning solutions.
- (13) Any wastewater containing noxious or malodorous gases or substances capable of creating a public nuisance.
- (14) **Any wastewater containing total Phosphorus levels exceeding 100mg/l.**

(c) Other Prohibitions.

- (1) No user shall discharge or cause to be discharged to any natural outlet or storm sewer within the City of Barberton or in any area under the jurisdiction of said City, any sanitary wastewater or other polluted water.
- (2) No user shall discharge or cause to be discharged any unpolluted wastewater, including, but not limited to, noncontact cooling water, storm water, or roof runoff to any sanitary sewer.

1054.26 SURCHARGES.

(a) Every person, firm, or corporation whose premises are served by a sanitary sewer connection and discharges wastes other than "normal sewage" into the sewerage system of the City of Barberton shall pay an "extra strength surcharge" in addition to the sewage service charge for "normal sewage."

Normal sewage is defined as that which contains pollutants in concentrations no greater than listed below:

Pollutants	Concentration (in mg/l)
BOD	250
COD	500
SS	250
Phosphorus	10
Oil and grease	100

(b) Terms used in this section are defined as follows.

- (1) "BOD" or "biochemical oxygen demand" means the quantity of oxygen utilized in the biochemical oxidation of organic matter, under standard laboratory procedure, in five days at twenty degrees Centigrade.
- (2) "COD" or "chemical oxygen demand" means a measure of the oxygen equivalent of the organic matter that can be measured using a strong chemical oxidizing agent in an acidic medium.
- (3) "TOC" or "total organic carbon" means a measure of the organic matter present in wastewater determined by injecting a known quantity of sample into a high temperature furnace, oxidizing to carbon dioxide in the presence of a catalyst, and measuring the quantity produced. TOC may be used to reflect BOD or COD.
- (4) "TOD" or "total oxygen demand" means a measure of the oxygen required by the organic and some inorganic substances determined by heating a sample in a platinum catalyzed combustion chamber and monitoring the oxygen content present in the nitrogen carrier gas.
- (5) "TSS" or "total suspended solids" means solids that either float on the surface of or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

- (6) "P" or "phosphorus" means measured as phosphorus.
- (7) "OG" or "oils and greases" means those materials extractable from an acidified sample by freon and other acceptable solvents in accordance with approved laboratory produces.

(c) Industrial waste surcharges shall be determined according to the following procedure:

- (1) Whenever the wastes are ruled acceptable for wastewater treatment and the wastewater contains BOD and/or COD, suspended solids, phosphorus, and/or oil and grease in excess of normal sewage, the excess shall be subjected to a monthly surcharge for each constituent as follows:

Pollutants	Surcharge
BOD	\$0.160/lb BOD
COD	0.010/lb COD
TSS	0.21/lb SS
P	0.39/lb P \$2.21/lb P
OG	0.30/lb Oil and greases

Charges will be based either on extra strength COD or BOD plus other parameters listed. These rates will be effective immediately upon passage of this section.

In addition to the surcharge, the user will pay the regular sewer service charge on the entire volume of sewage discharged to the sewerage system.

- (2) Each industry subject to the provisions of the extra strength surcharge shall submit monthly, on a timely basis, the certified daily flow and analysis of the extra strength discharge to the sewerage system.
- (3) The Superintendent of Utilities shall determine which sampling test (BOD, COD, TOC, TOD, etc.) is representative of actual wastewater loadings and specify the type and frequency of analysis necessary for monitoring discharges and for billing purposes.
- (4) The Superintendent will evaluate the waste strength, and these determinations shall be binding as a basis for charges.
- (5) The volume of flow used for computing industrial waste surcharges shall be metered water consumption of the user as shown in the records of meter readings maintained by the City of Barberton Water Department or metered wastewater discharged to the City's sewer system.

If the user discharging industrial wastewater into the POTW procures any part, or all, of their water from sources other than the City's water system, all or part of which is discharged into the public sewers, the user shall install and maintain, at his or her expense, water meters of a type approved by the Superintendent for the purpose of determining the volume of water obtained from those other sources.

Devices for measuring the volume of waste discharged may be required by the Superintendent if these volumes cannot otherwise be determined from the metered water consumption records.

Metering devices for determining the volume of waste shall be installed, owned, and maintained by the user. Following approval and installation, such meters may not be removed without the consent of the Superintendent. The volume of flow used for computing industrial waste surcharges shall be determined as provided in this paragraph.

SECTION 2. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were meetings open to the public in compliance with the law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Barberton and the inhabitants thereof, in order to begin the process as soon as possible, and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed _____ 2016

Clerk of Council

President of Council

Approved _____ 2016

Mayor