

**CODE OF REGULATIONS OF THE  
NORTHEAST OHIO REGIONAL SEWER DISTRICT**

**TITLE III**

**SEPARATE SANITARY SEWER CODE**

**Adopted July, 1991**

**Revised March, 1995**

**NORTHEAST OHIO REGIONAL SEWER DISTRICT  
CODE OF REGULATIONS  
TITLE III - SEPARATE SANITARY SEWER CODE**

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## CHAPTER 1 - TITLE AND DISTRIBUTION

Section 3.0101 Title and Distribution - This Title of the Code of Regulations of the Northeast Ohio Regional Sewer District shall be known as the Separate Sanitary Sewer Code of the Northeast Ohio Regional Sewer District and may be separately printed and distributed. The term "this Code" wherever used in all chapters of this Title means the Separate Sanitary Sewer Code of the Northeast Ohio Regional Sewer District.

## CHAPTER 2 - DEFINITIONS

- Section 3.0201 "Definitions" - unless the content specifically indicates otherwise, the meaning of the following terms wherever they are used in this Code shall be as defined in the following sections.
- Section 3.0202 "Board" or "Board of Trustees" - shall mean the Board of Trustees for the Northeast Ohio Regional Sewer District.
- Section 3.0203 "Best Management Practices (BMP)" - shall mean the method(s) used in the public right-of-way and on private property to reduce and/or eliminate sanitary sewer overflows and other impairments of the separate sanitary sewer's structural and design integrity through the elimination of unpolluted water from the separate sanitary sewer system, as well as to promote the general maintenance of the sewer system. These methods may include, but are not limited to: 1) street cleaning, 2) sewer cleaning and inspection, 3) catch basin cleaning, 4) correction of leaking manholes, 5) correction of cracked or broken pipes, 6) cleaning and repair of regulators and outfalls, 7) spill protection/prevention, 8) infiltration and inflow control, 9) course control of pollutants, 10) pump station preventive maintenance, and 11) emergency contract repair procedures.
- Section 3.0204 "Control of Separate Sanitary Sewer Overflows" - shall mean the elimination of such overflow up to the specified design storm event.
- Section 3.0205 "Combined Sewer" - shall mean a sewer designed to receive and transport both sanitary sewage and storm water runoff.
- Section 3.0206 "Community" - shall mean any city, village, township, or county wholly or partly located within the Northeast Ohio Regional Sewer District.
- Section 3.0207 "Community Compliance Plan or Plan" - shall mean the general plan prepared by a Community in response to its Community Discharge Permit describing the means by which the Community will achieve its performance objectives.
- Section 3.0208 "Community Discharge Permit or Permit" - shall mean a permit issued under this Title stating the terms under which a Community may discharge flow into a sewer owned by the District, either directly or through another Community's sewer system.
- Section 3.0209 "Community Overflow" - shall mean an overflow from a separate sanitary sewer that, at the overflow point, is transporting flow, as July 1, 1985, from a single Community, excluding insignificant flow contribution from other communities.
- Section 3.0210 "Design Storm Event" - shall mean the storm event designated in the applicable facilities planning document.

- Section 3.0211 "Director" - shall mean the Executive Director of the Northeast Ohio Regional Sewer District or his designated representative.
- Section 3.0212 "District" or "NEORSD" - shall mean the Northeast Ohio Regional Sewer District, its officers and employees.
- Section 3.0213 "Infiltration" - shall mean the water entering a sewer system and service connections from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include, and is distinguished from, inflow.
- Section 3.0214 "Inflow" - shall mean the water discharged into a sewer system and service connections from sources which include, but are not limited to, roof leaders, foundation, and other drains, cooling water discharges, cross connections from storm sewers and combined sewers, catch basins, manholes and other similar sources of storm water. Inflow does not include, and is distinguished from, infiltration.
- Section 3.0215 "Infiltration/Inflow" (I/I) - shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.
- Section 3.0216 "Local Sewers" - Shall mean any sewer, service or catch basin connection within the public right-of-way, pump station, or force main built within the service area of the Northeast Ohio Regional Sewer District for or by any community or other political subdivision, for the purpose of connecting with District-owned intercepting or intercommunity relief sewers as branches thereof or connecting to other local sewers tributary to District sewers.
- Section 3.0217 "Maintenance" - shall mean the action required to prevent failure of the sewerage system and preserve its original function.
- Section 3.0218 "Performance Objective" - shall mean a specific result to be achieved to meet the purpose of this Title. Performance objectives shall include, but are not limited to, control of sanitary sewer overflows and peak flows at the point of connection to District or other Community sewers.
- Section 3.0219 "Rehabilitation" - shall mean the action required to restore the structural and design integrity of the sewer system, or parts thereof, through methods which include, but are not limited to: 1) BMPs, 2) pump station or force main rehabilitation, 3) sewer replacement, 4) sewer relining, 5) sewer sealing, and 6) other means of reducing infiltration/inflow.
- Section 3.0220 "Relief Sewer" - shall mean a sewer designed to relieve separate sanitary sewer flows during specified peak flow conditions.

- Section 3.0221 "Separate Sanitary Sewer" - shall mean a sewer designed to receive and transport sanitary sewage. A combined sewer used as a separate sanitary sewer subsequent to sewer separation will generally be considered as a separate sanitary sewer.
- Section 3.0222 "Separate Sanitary Sewer Overflow" - shall mean that sanitary flow that escapes from the separate sanitary sewer system to storm sewers, combined sewers, watercourses, or ground surface.
- Section 3.0223 "Storm Sewer" - shall mean a sewer which carries storm and surface waters and drainage excluding sewage and industrial wastes, other than unpolluted cooling water.
- Section 3.0224 "Wastewater" - shall mean a combination of water-carried waste from residences, buildings, business buildings, institutions, and industrial establishments together with such ground, surface, or storm water as may be present.
- Section 3.0225 "Watercourse" - shall mean a channel in which a flow of water occurs, either continuously or intermittently.

### CHAPTER 3 - PURPOSE AND GENERAL CONDITIONS

- Section 3.0301 Purpose - The purpose of this Title is to provide a procedure by which the District and each Community served by the treatment facilities owned and/or operated by the District can cooperate to control separate sanitary sewer overflows in their sewer systems and control peak flows from Community sewer systems at the point of connection into sewers owned by the District or another Community.
- Section 3.0302 Authority - The District's authority to promulgate this Title emanates from the terms and conditions of the Order of the Court of Common Pleas which established the District and the authority granted by the Ohio Revised Code.
- Section 3.0303 Applicability - This Title is applicable to all areas served by the District.
- Section 3.0304 Means to Implement This Title - This Title shall be implemented through the issuance of Community Discharge Permits. The Permits shall delineate, among other things, peak flows which can be discharged to a given connection point into a sewer owned by the District or by another Community, the control of separate sanitary sewer overflows, and best management practices.
- Section 3.0305 Best Management Practices - Each Community shall, as a condition of its Permit, be required to undertake appropriate Best Management Practices.
- Section 3.0306 Overflow Identification - Each Community shall identify and disclose to the District all separate sanitary sewer overflows known or which become known to the Community that are not included on the District's inventory of separate sanitary sewer overflows.
- Section 3.0307 Project List - The Executive Director shall prepare, maintain, and make available to the communities a project list that shall contain the following :
- (a) Community overflows and projects recommended to the District to control these overflows.
  - (b) Sanitary sewer overflows other than Community overflows and the projects, generally known as "Intercommunity Relief Sewers," to be constructed by the District to control these overflows.
  - (c) Other sewer projects identified in various planning documents regarding relief of peak flows to be constructed by the District that may be incorporated into a Community's means of achieving a performance objective.
  - (d) the recommendations that may be relevant to a Community's development of means to achieve a performance objective.

Section 3.0308 Design Standards - The latest edition of the Uniform Standard Sewer Details approved for use by the Cuyahoga County Sanitary Engineering Department, The City of Cleveland, The Cuyahoga County Municipal Engineers Association, and The District shall apply to all of the improvements proposed to achieve the performance objectives. See [Section 3.0504](#) regarding Certification of Conformance with these design standards.

Section 3.0309 District's Role - The role of the District relative to this Title is to identify the performance objectives to be achieved by a Community, share recommendations made to the District regarding means by which the desired Community performance is to be accomplished, assess and accept compliance plans submitted by a given Community, and assess and enforce compliance under this Title.

Section 3.0310 Community Role - The role of the Community is to evaluate and select the means by which the performance objectives identified in a given Community Discharge Permit can be achieved, and to design, construct, finance, and maintain the necessary improvements. The Community shall also initiate and continue Best Management Practices identified in its permit.

The implementing Community shall be solely responsible for projects set forth in its community compliance plan and for compliance with the performance objective(s) identified in its Community Discharge Permit.

Section 3.0311 No New Sanitary Overflows - No Community overflows shall exist except for those in existence on July 1, 1985 provided that such overflows are controlled in accordance with the Community Discharge Permit. Community overflows not disclosed in the Community Compliance Plan shall be presumed to have not been in existence by the aforementioned date.

Section 3.0312: No Dry Weather Separate Sanitary Sewer Overflows - Dry weather separate sanitary sewer overflows from any source are prohibited.

Section 3.0313: Dry Weather Separate Sanitary Sewer Overflow Reporting - The Community shall report any occurrence of a dry weather separate sanitary sewer overflow within 24 hours of discovery to the Permit Manager in the District's Planning Department. Written documentation of such overflows describing the cause of the overflow and the corrective measure taken or currently underway to

Eliminate the overflow shall be submitted to the district within 5 days. Circumstances that cause the occurrence of a dry weather separate sanitary sewer overflow must be corrected immediately. Examples of circumstances that require immediate correction include, but are not limited to, the following: blockages in the separate sanitary sewer system, flow regulator failure, improper connections, cracked or broken sewers, or pump station malfunctions. Reporting said overflows to the District does not relieve the



community of any obligation for the proper reporting to the appropriate state or federal agency.

Section 3.0314 Wet Weather Separate Sanitary Overflow Reporting - The Community shall report any occurrence of a wet weather separate sewer overflow within 24 hours of discovery to the Permit Manager in the District's Planning Department. This report shall contain, at a minimum, the location and description of the overflow structure, the estimated duration and volume of overflow and any known occurrence of basement flooding within the service area of the collection system containing the wet weather flow. Reporting these wet weather overflows to the District does not relieve the Community of any obligation for the proper reporting to the appropriate state or federal agency.

Section 3.0315 No Flow Volume/Service Area Changes - The Community is prohibited from causing or allowing any additions or deletions to the local sewer system within its municipal boundaries that will result in a change of the District's service area without prior written approval of the District. The community is also prohibited from causing or allowing any additions or deletions to the local sewer system outside its municipal boundaries that will result in a change of the District's service area without prior written approval of the District.

All new residential, industrial, and commercial connections, extensions of existing sewers, and new sewer construction shall be reported to the attention of the business supervisor of the District's Water Quality and Industrial Surveillance (WQIS) department (641-6000). New connections that are not reported to the District are in violation of the permit.

Section 3.0316 Schedule for Performance Objective Achievement - Performance objectives shall be achieved as soon as practicable. As soon as practicable shall be determined on a case by case basis taking all relevant factors into consideration. These factors shall primarily include, but are not limited to, the following:

- (a) The date at which the District sewer, if any, to which a peak flow reduction performance objective is related or for which an overflow control performance objective is dependent, is available to receive flow.
- (b) The reasonable time necessary to plan, design, and construct the required facilities, including rehabilitation.
- (c) Financial considerations.
- (d) Impact of any delay upon areas and facilities to which the flow is tributary.

(e) Externally imposed schedule requirements.

Section 3.0317 Sewer Maps - Each Community shall maintain a current map of all sanitary and combined sewers within its territorial jurisdiction. Also to be shown are the storm sewers to which a sanitary sewer overflow discharges. The District shall establish minimum standards for such maps, making use of existing Community maps whenever possible.

## CHAPTER 4 - ISSUANCE OF COMMUNITY DISCHARGE PERMITS

- Section 3.0401 Issuance of Permits - The District shall issue Permits to Communities with requirements, conditions, and performance objectives as necessary to achieve the purposes of this Title under procedures specified under this Chapter.
- Section 3.0402 Public Notice - The District shall provide copies of draft and final permits and permit modifications to all member communities which border a given Community and either discharge or receive flow to/from that Community.
- Section 3.0403 Draft Permits - The District shall notify a Community by certified mail of actions the Community shall be required to undertake under the authority of this Title. The Draft Permit shall contain or require the following information at a minimum:

- (a) Performance objectives to be achieved and schedule for their achievement (See [Section 3.0316](#)).
- (b) Schedule for preparation and submittal of a Community Compliance Plan identifying the means by which the Community intends to achieve its performance objectives.
- (c) Sewer Maps (See [Section 3.0317](#)).
- (d) Submittal and subsequent maintenance of a Best Management Practices Program.
- (e) Any other reasonable conditions required of the Community.

Within 45 days after receipt of the Draft Permit, the affected Community shall propose, in writing, any changes to be made in the Draft Permit. The proposed changes shall be sent to the District by certified mail.

- Section 3.0404 Final Permit - At an appropriate juncture, the Executive Director shall propose to the Board that a Final Permit be issued for a given Community. An appropriate juncture shall be:
- (a) When the Executive Director and the affected Community agree on the terms and conditions of the Final Permit;
  - (b) When the affected Community fails to respond to the Draft Permit; or
  - (c) When the District and the affected Community cannot agree on the terms and conditions of the Final Permit.

The Executive Director shall give the Community notice by certified mail of the Proposed Final Permit to be submitted for Board approval at least 30 days

prior to the meeting of the Board at which the Executive Director's recommendation is to be acted upon. The Executive Director shall report and continue to report to the Board the status of any Draft Permit for which a Final Permit recommendation has not been made 90 days after the issuance of a Draft Permit.

Section 3.0405 Incorporation of Community Compliance Plan - Upon approval by the District of a Community Compliance Plan pursuant to [Section 3.0502](#), such Community Compliance Plan, including a Schedule of Compliance, shall be deemed incorporated into the respective Community Discharge Permit for all purposes of this Title.

The failure of a Community to obtain District approval of a Community Compliance Plan within 90 days of the effective date of the final permit for said community shall be deemed a circumstance for initiation of enforcement action pursuant to [Section 3.0601](#).

Section 3.0406 Appeal of Permit - A Community shall have the right to appeal the Proposed Final Permit to the Board of Trustees or to a Hearing Examiner designated by the Board. Such proceedings shall be governed by Section 1.0303 of the Sewer Use Code (Title I). Notice of Appeal shall be by certified mail.

Section 3.0407 Permit to be Effective Upon Board Action - The Permit shall become effective upon adoption by the Board of Trustees.

Section 3.0408 Permit Modification - A Community Compliance Plan and/or a Community Discharge Permit can be modified for appropriate purposes at the initiative of either the District or a member Community. A Community shall send proposed plan/permit modifications to the District by certified mail.

The District shall give notice by certified mail to the Community of a District initiated proposed modification and afford the Community 30 calendar days to comment. The District must respond by certified mail to a Community initiated proposed modification within 30 calendar days.

The Executive Director shall give the Community notice by certified mail of the Executive Director's recommendation for plan/permit modification at least 30 calendar days prior to the meeting of the Board at which said modification is to be acted upon. This procedure applies to District and Community initiated proposals for modification.

The Executive Director shall report to the Board the status of any proposed plan/permit modification still pending without recommendation 90 calendar days after if had been initially proposed and continue to report said status until a plan/permit modification recommendation is made.

A Community can appeal the recommendations of the Executive Director regarding a plan/permit modification pursuant to the procedures specified in [Section 3.0406](#).

A plan/permit modification becomes effective upon adoption by the Board of Trustees.

Section 3.0409 Disclosure of Planning Studies - In order to assist Community compliance with the permits issued under this Title, the Executive Director shall to the extent permitted by law share the planning recommendations made to the District in various planning documents prepared for the District. These materials shall be made available either upon request or at the initiative of the District.

The District does not warrant the accuracy or completeness of these reports. Any Community which makes use of the data and/or recommendations should independently ascertain the correctness and/or accuracy of the relevant information before implementing any project.

## CHAPTER 5 - EVALUATION OF COMMUNITY COMPLIANCE PLANS

- Section 3.0501 Submittal of Data Regarding Community Compliance Plan - The data to be submitted regarding a Community Compliance Plan shall be as noted in the Community Discharge Permit.
- Section 3.0502 District Review - The District shall review the Community Compliance Plan and may request, where necessary, additional information. The District shall accept the Community Compliance Plan unless it finds that it should be rejected or modified for at least one of the following reasons:
- (a) There is a reasonable basis to believe that the Community Compliance Plan will not achieve the performance objective stated in the Community Discharge Permit.
  - (b) The Community Compliance Plan cannot be, or is likely not to be, implemented in a reasonable period of time and a more readily implemented alternative is otherwise acceptable.
  - (c) The Community Compliance Plan is unacceptable due to overall considerations of management and operation of the entire sewer system of which the specific improvement is a part.
  - (d) The Community Compliance Plan is unacceptable because it violates an obligation of the District under State or Federal rules or regulations, enforcement orders, or a condition imposed due to receipt of financial assistance from grantor/lender agency.
  - (e) Any other consideration upon which the District can responsibly reject the Community Compliance Plan.
- Section 3.0503 Right of Appeal - A Community shall have the right to appeal the rejection of all or part of a Community Compliance Plan to the Board of Trustees or a hearing examiner designated by the Board. Such proceedings shall be governed by Section 1.0303 of the Sewer Use Code (Title I).
- Section 3.0504 Review of General and Detailed Plans - The District shall review the Community Compliance Plan and Detailed Plans for any project(s) proposed to meet the requirements of a permit issued under this Title. District acceptance in no way replaces any plan approval required by any state or federal agency.

The District shall generally review Community Compliance Plans within 60 days of receipt and Detailed Plans within 30 days of receipt. It is District policy that Communities will be notified in writing if review is not completed within these time frames. Detailed Plans shall not be reviewed unless the

Engineer whose seal appears on the Drawings certifies that they conform with the Uniform Standard Sewer Details.

Section 3.0505 Modification of Community Compliance Plans - A Community may modify an accepted Community Compliance Plan as provided by [Section 3.0408](#) of this Title.

## CHAPTER 6 - ENFORCEMENT

- Section 3.0601 Circumstances for Initiation of Enforcement Actions - When the District becomes aware that a Community is not proceeding nor will not proceed with the improvements specified in the permit by virtue of the Community's failure to meet a scheduled final or interim compliance event, fails to properly respond to a request for evidence of progress or explanation for delay, establishes a new sanitary sewer overflow contrary to Section 3.0311, fails to meet a performance objective, fails to produce a sanitary sewer map contrary to [Section 3.0317](#), or otherwise violates any provision of this Title, the District may initiate enforcement action against the Community.
- Section 3.0602 Enforcement Actions - The District, with notice, and upon direction of the Board, may take any of the enforcement actions available to it either alone or in combination as necessary to effectuate the achievement of the performance objective.
- Section 3.0603 Notification of Violation - Administrative Order - Whenever the District finds that any Community has engaged in conduct which justifies enforcement, pursuant to [Section 3.0601](#) hereof, the District may serve or cause to be served upon such Community, a written notice delivered personally or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. Service may be made on any agent, officer, or authorized representative of the Community, or to the Community's principle place of business. Within thirty (30) consecutive calendar days of the date of receipt of the notice, the Community shall respond in writing to the District, advising of its position with respect to the allegations. Thereafter, the parties shall meet to ascertain the veracity of the allegations and where necessary, establish a plan for the satisfactory correction thereof. Upon reviewing the information presented at the aforementioned meeting the District may by Administrative Order direct the Community to provide additional information or to take those actions deemed necessary in a prescribed time frame and manner to achieve permit compliance.
- Section 3.0604 Show Cause Hearing - Where the violation of [Section 3.0601](#) hereof is not corrected by timely compliance with an Administrative Order issued pursuant to [Section 3.0603](#), the District may order the Community which causes or allows conduct prohibited by [Section 3.0601](#) hereof, to show cause before the Board of Trustees or its designated Hearing Examiner convened pursuant to Section 1.0303 of this Code of Regulations, why enforcement action and/or application of charges should not be taken. A written notice shall be served on the Community by personal service or certified mail, return receipt requested, specifying the time and place of a hearing to be held by the Board of Trustees or its designated Hearing Examiner regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action, and directing the Community to show cause before the Board of Trustees or its designated Hearing Examiner why the proposed enforcement



action should not be taken. The notice of the hearing shall be served no less than thirty calendar (30) days before the hearing. Service may be made on any agent, officer, or authorized representative of a Community, or to the Community's principle place of business. The proceedings at the hearing shall be in accordance with Section 1.0303 of this Code, and the determination by the Board of Trustees shall be made in the manner prescribed in that Section.

Section 3.0605 Judicial Proceedings - Following issuance of a final order resulting from a show cause hearing, the Counsel of the District may, following the authorization of such action by the District, commence an action for appropriate legal and/or equitable relief in the appropriate local court or authorize such other actions as are necessary to achieve compliance.

Section 3.0606 Enforcement Actions - Annual Publication - A list of all communities which were the subject of enforcement proceedings pursuant to Chapter 6 of this Code during the twelve (12) previous months, shall be annually published by the District in the largest daily newspaper published in the municipality in which the District is located, summarizing the enforcement actions taken against the communities during the same twelve (12) months, (1) whose violations remained at issue 45 or more days after notification of noncompliance, (2) or which have exhibited a pattern of noncompliance over that twelve (12) month period, or (3) fail to accurately report noncompliance.

Section 3.0607 Enforcement Means Available (Reserved).

## CHAPTER 7 - CHARGES

- Section 3.0701 Failure to Comply with Regulations - Charges - Any failure to comply with the provisions of this Title may result in charges as follows:
- (a) Establishing overflow in violation of [Section 3.0311](#) may result in a charge of \$300 to \$5,000 per day that said overflow remains in service from date of installation to date of escrow provision removal.
  - (b) Failure to meet a compliance plan deadline may result in a charge of up to \$500 per day for each day the compliance deadline remains unachieved.
  - (c) Failure to meet a permit performance objective may result in a charge of \$300 to \$5,000 per day for each day the objective is not met.
  - (d) Failure to adequately monitor as required may result in a charge of up to \$1,000 per day for each location that was to be monitored or the District's actual monitoring costs in the event the District monitors in the permittee's stead.
  - (e) Failure to timely submit monitoring reports or annual compliance reports may result in charges of up to \$100 per day for each day said report remains outstanding.
- Section 3.0702 Civil Penalties - Any Community found to have violated an Administrative Order of the District or have failed to comply with any provision of this Code, and the regulations or rules of the District, or orders of any court of competent jurisdiction may be subject to the imposition of a civil penalty.
- Section 3.0703 Recovery of Costs Incurred by the District - Any Community violating any of the provisions of this Code, whose discharge is in violation of its permit, or causes damage to or impairs the District's wastewater disposal system shall be liable to the District for any expense, loss, or damage caused by such violation or discharge. The District shall bill the Community for the costs incurred by the District for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of this Title enforceable under the provisions of Chapter 6 of this Title. In addition, charges specified under Section 1.0919 of this Code of Regulation may apply.
- Section 3.0704 Falsifying Information - Any person who knowingly makes any false verbal or written statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Title, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Title, may be charged a minimum of \$1,000 to a maximum of \$5,000 per violation.

Section 3.0705 Charge Escrow Accounts - The District, at the discretion of its Board of Trustees, may deposit any charges collected pursuant to this Chapter in dedicated accounts for the benefit of the charged Community. Charges collected by the District may be released back to the charged Community for projects dedicated to the upgrading of their local sanitary or storm sewer systems, or may be utilized by the District for intercommunity projects at the sole discretion of its Board of Trustees. The funds contained in said accounts remain the property of the District and may be utilized by a Community only with the prior agreement of the District.

## CHAPTER 8 - MONITORING AND CORRECTION

Section 3.0801 Primary Responsibility - The Community, in response to a permit issued under this Title shall, in accordance with the schedule incorporated in said permit, and subject to District approval, prepare a monitoring program by which the Community will demonstrate that specific performance objective(s) have been achieved.

Section 3.0802 District Monitoring - The District shall have the authority, with proper notification, to conduct monitoring for verification and other purposes within local sewer systems and at Community separate sewer overflow points.

Section 3.0803 Certificate of Compliance - The Community shall perform its monitoring program until the design storm, as designated in the applicable facilities planning document(s), occurs or the program has been in effect for a period of six (6) months. After the Community completes the monitoring program, it shall certify, if possible, that the performance objective(s) have been achieved and provide the monitoring data or mathematical calculations to substantiate the certification. Certification is to be made by a Professional Engineer registered in the State of Ohio, and transmitted to the District by the appropriate municipal official.

Section 3.0804 Presumed Compliance - A Community can certify that it presumes compliance upon a showing that the design storm has not occurred and that noncompliance with a performance objective has not been demonstrated nor cannot be inferred from storm events during the monitoring period or system design constraints by mathematical documentation.

A Community claiming presumed compliance shall provide monitoring data to substantiate its certification of presumed compliance or sufficient mathematical documentation relating to system design to insure the performance objective shall not be exceeded. The certification is to be made by a Professional Engineer registered in the State of Ohio, and transmitted to the District by the appropriate municipal official.

The District reserves the right, upon acceptance of a certification of presumed compliance, to require that additional monitoring be conducted or re-instituted under appropriate circumstances.

Section 3.0805 Further Improvements - If the Community cannot provide a Certificate of Compliance, cannot presume compliance, or the District cannot concur with the Certificate, either at the time of issue or a reasonable time thereafter, the District shall issue an Administrative Order requiring additional improvements necessary to achieve the performance objective.

Section 3.0806 Continued Compliance - The Community shall continue to operate, maintain, and regulate its sewer system in a manner such that performance objectives which have been met shall continue to be met.

## CHAPTER 9 - RECORDS RETENTION

Section 3.0901 Records Retention - All communities subject to this Code shall retain and preserve for no less than ten (10) years any records, books, documents, memoranda, reports, correspondence, and any and all summaries thereof relating to planning, design, maintenance, monitoring, sampling, financing, and legislative action on the part of a community in connection with its compliance with its Permit and related Compliance Plans.

## **CHAPTER 10 - MISCELLANEOUS PROVISIONS**

- Section 3.1001 Repeal of Conflicting Resolutions - All resolutions, or parts thereof, in conflict herewith are hereby repealed.
- Section 3.1002 Severability - If the provisions of any paragraph, section or article of this Title are declared unconstitutional or invalid by the final decision of the court of competent jurisdiction, the provisions of the remaining paragraphs, sections or articles shall continue in full force and effect.
- Section 3.1003 Acceptance - By discharging to the system of the District, the discharging party agrees to comply with all terms and regulations of the District and to be bound by said terms, conditions, and regulations.