

## *Record of Ordinances*

Ordinance No.: 2023-05

Passed: January 23, 2023

### **AN ORDINANCE AMENDING PERMITTING AND REGULATING THE RECEIPT AND DISCHARGE OF APPROVED HAULED DOMESTIC AND/ OR INDUSTRIAL/COMMERCIAL SEPTAGE AND/OR WASTEWATER AT THE VILLAGE OF WEST LAFAYETTE WASTEWATER TREATMENT PLANT, AND DECLARING AN EMERGENCY**

**WHEREAS**, the Village of West Lafayette Wastewater Treatment Plant has the capacity to process significantly more effluent than is generated by its current customers;

**WHEREAS**, the Village Public Works Committee and Village Administrator have recommended permitting the receipt of approved hauled domestic and/or industrial/commercial septage and/or wastewater at the Village of West Lafayette Wastewater Treatment Plant to generate revenue for the Village;

**WHEREAS**, this Council is in favor of permitting the receipt of approved hauled domestic and/or industrial/commercial septage and/or wastewater at the Village of West Lafayette Wastewater Treatment Plant and adopting regulations for septage receiving;

**WHEREAS**, Council has the power to establish rates or charges for the use of the Village sewerage system and sewage pumping or sewage disposal works is vested in the Village legislative authority under Ohio Revised Code Section 729.49; and

**WHEREAS**, the Village Administrator has control over the sanitary sewers and sanitary sewer system of the Village as provided for in Ohio Revised Code Section 729.50 and Ohio Revised Code Section 729.51.

**NOW THEREFORE, BE IT ORDAINED** by the Council of the Village of West Lafayette that:

#### **Section 1: Approved Hauled Domestic and/or Industrial/Commercial Waste May Be Accepted at The Village Wastewater Treatment Plant**

Approved Hauled Domestic and/or Industrial/Commercial Septage and/or Wastewater may be accepted and discharged at the Village of West Lafayette Wastewater Treatment Plant (WWTP) as set forth in this Ordinance. No person may discharge hauled waste or hauled domestic and/or industrial/commercial septage and/or Wastewater at the WWTP except as set forth in this Ordinance.

#### **Section 2: Definitions**

As used in this Ordinance, "domestic septage" has the same meaning as set forth in Ohio Administrative Code Section 3701-29-01(CC).

As used in this Ordinance, "industrial/commercial septage" has the same meaning as set

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forth in Ohio Administrative Code Section 3745-40-01(I)(4)

As used in the Ordinance, “industrial/commercial wastewater” has the same meaning as set forth in Ohio Administrative Code Section 3745-40-01(I)(5).

### **Section 3: Application**

Any person engaging in septage/or Wastewater hauling (“Septage/or Wastewater Hauler”) who wishes to obtain authorization to discharge approved hauled domestic and/or industrial/commercial septage and/or wastewater at the WWTP shall submit an application on the form provided by the Village and provide all requested information to the Village.

A Septage/or Wastewater Hauler also must submit to the Administrator with the application a registration for septage /or Wastewater handlers/pumpers (or similar document) issued by the Coshocton County Health Department or other appropriate Ohio Health department. Failure to produce the required registration will result in a denial of the application.

A Septage/or Wastewater Hauler of Industrial/Commercial Septage and/or Wastewater must also submit samples to the WWTP to be tested by the environmental lab that is used by the Village, at the expense of the Septage/or Wastewater Hauler. Test results must be within the parameters of the Village NPEDS. Final approval to discharge will be subject to the consent of the Wastewater Operator of Record and the Village Administrator.

### **Section 4: Permit**

If the Septage/or Wastewater Hauler’s application is approved, the Septage/or Wastewater Hauler will be provided a permit by the Village Administrator. Any permitted Septage/or Wastewater Hauler assents to the conditions of this Ordinance and the permit and agrees to be bound by and comply with all conditions of the permit and this Ordinance. Failure to comply may be grounds for loss of discharge privileges.

The permit issued to any Septage/or Wastewater Hauler shall be for a maximum one-year term and may be modified or terminated for good cause as determined by the Village Administrator. If the permitted Septage/or Wastewater Hauler wishes to continue an activity regulated by the permit after the expiration date of the permit, the Septage/or Wastewater Hauler must submit an application for a new permit at least 30 days before the expiration.

### **Section 5: Process**

Approved Hauled domestic and/or industrial/commercial septage and/or wastewater may be discharged only by a permitted Septage/or Wastewater Hauler at the Village of West Lafayette Wastewater Treatment Plant located at 100 North Ripple Lane, West Lafayette, Ohio 43845 (WWTP).

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Approved Hauled domestic and/or industrial/commercial septage and/or wastewater may be discharged at the WWTP only between the hours of 8:00 a.m. and 4:00 pm, Monday through Friday, excluding holidays. Under emergency conditions, as determined by the Village Administrator, approved hauled domestic and/or industrial/commercial septage and/or wastewater may be discharged at the WWTP under such conditions as the Administrator determines are appropriate.

The WWTP will provide a manifest managed program at the WWTP to meter and measure the amount and type of septage or wastewater discharged and received. No permitted Septage/or Wastewater Hauler shall discharge or cause to be discharged hauled domestic and/or industrial/commercial septage and/or wastewater at the WWTP without presenting a completed manifest form provided by the Village to the WWTP attendant at the time of discharge.

Failure by a permitted Septage/or Wastewater Hauler to fill out a manifest form accurately and completely may result in loss of discharging privileges. Approved hauled domestic and/or industrial/commercial septage and/or wastewater may be subject to testing and/or rejection by the Village. The Village has the right to refuse any hauled waste load. The Septage /or Wastewater Hauler will comply with this Ordinance and follow the directions of Village employees while on Village premises.

Each Septage/or Wastewater Hauler shall maintain the WWTP in a clean and orderly manner during and after discharge of hauled domestic septage at the WWTP.

The Village Administrator may maintain and develop additional administrative policies governing the operation of the WWTP to ensure proper, reliable, and orderly operation. The Village Administrator may require a permitted Septage/or Wastewater Hauler to participate in an orientation program at the Village WWTP prior to the Septage/or Wastewater Hauler discharging approved hauled domestic and/or industrial/commercial septage and/or wastewater at the WWTP.

### **Section 6: Daily Limits**

A permitted Septage/or Wastewater Hauler shall be limited to a discharge of Ten Thousand (10,000) gallons per day at the WWTP, unless the Village Administrator authorizes the discharge of additional amounts. Such authorization shall be in writing and may be revoked by the Village Administrator at any time with seven (7) days advance written notice to the Septage/or Wastewater Hauler.

### **Section 7: Fee Structure**

The Septage/or Wastewater Hauler shall pay the following service fees for hauled domestic waste discharged pursuant to this Ordinance: \$0.03 per gallon of the hauled domestic septage discharged into the WWTP, plus a \$5.00 per load surcharge. Fees for approved hauled industrial/commercial septage and/or wastewater shall be \$0.05 per gallon, plus a \$5.00

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surcharge. Septage/or Wastewater Haulers will be billed by the Village monthly. Payments will be due within 30 days of the receipt of the billing.

If charges billed are not paid within thirty (30) days, then an additional late payment charge of 10% of the unpaid billed amount is hereby imposed for each month that any portion of the billing remains unpaid.

### **Section 8: Termination of Service for Nonpayment**

When any bill rendered pursuant to this Ordinance has not been paid and has been delinquent for more than fifteen days after the due date, the Village may refuse to accept any further waste discharges from that Septage/or Wastewater Hauler.

### **Section 9: Insurance**

Each permitted Septage /or Wastewater Hauler shall provide a Certificate of Insurance naming the Village of West Lafayette as an additional insured for coverage in the increments specified herein:

- (1) Commercial General Liability Insurance.
  - A. General Aggregate Limits of \$1,000,000.00.
  - B. Products - Completed Operations Aggregate Limit of \$1,000,000.00.
  - C. Each Occurrence Limit of \$1,000,000.00.
- (2) Pollution Liability Aggregate Limit of \$1,000,000.00.
- (3) Comprehensive Automobile Liability Insurance.
  - A. Bodily Injury and Property Damage Liability Limit.
  - B. Aggregate Limit of \$1,000,000.00.
  - C. Each Occurrence Limit of \$1,000,000.00.

Such certificate shall also contain a provision that the Village shall be given at least 10 days' advance notice before any policy cancellations or renewals.

A permitted Septage/or Wastewater Hauler also shall provide proof of current Workers' Compensation coverage.

### **Section 10: Compliance with Applicable Pretreatment Standards and Requirements**

A permitted Septage/or Wastewater Hauler must comply with any and all applicable federal, state, and local pretreatment standards and requirements including any such standards or requirements that may become effective during the term of any permit issued by the Village to the permitted Septage/or Wastewater Hauler.

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### **Section 11: Inspection and Entry**

Any permitted Septage/or Wastewater Hauler shall allow the Village Administrator and/or his Designee to:

- Enter upon the Septage/or Wastewater Hauler's premises where a regulated activity is located or conducted, or where records must be kept under the conditions of any septage discharge permit issued pursuant to this Ordinance;
- Have access to and copy, at reasonable times, any records that must be kept under the conditions of any septage discharge permit issued pursuant to this Ordinance;
- Inspect at reasonable times any facilities, equipment, including monitoring and control equipment, practices, or operations regulated or required under any septage /or wastewater discharge permit issued pursuant to this Ordinance; and
- Sample or monitor, for the purpose of assuring permit compliance, any substances or parameters at any location.

### **Section 12: Falsifying Information**

No person shall knowingly make any false statement on any application, manifest, or other report or document required by this Ordinance. Knowingly making any false statement on any application, manifest, or other report or document required by this Ordinance may result in the loss of discharge privileges.

### **Section 13: Planned Changes**

The permitted Septage/or Wastewater Hauler shall give 30 days' notice to the Village Administrator of any truck modifications, truck volumes, or truck fleet changes which result in new or substantially increased discharges, or if there is a change in the nature of the discharge. The permittee also shall give advance notice to the Village Administrator of any planned changes that may result in noncompliance with permit requirements.

### **Section 14: Duty to Provide Information**

A permitted Septage/or Wastewater Hauler shall furnish the Village Administrator within 10 days any information which the Village may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit authorized by this Ordinance, or to determine compliance with the permit. The permittee shall also, upon request, furnish to the Village within 10 days copies of any records required to be kept.

### **Section 15: Recovery of Costs Incurred**

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A permitted Septage/or Wastewater Hauler agrees to keep and hold the Village of West Lafayette harmless from and against all costs, damages, claims, or expenses it may sustain in its operation as a permitted septage hauler.

A permitted Septage/or Wastewater Hauler shall be liable for any expense, loss, or damage caused by any violation of this Ordinance and the permit. The permittee also shall be liable for any expense, loss, or damage caused by any discharge by the permittee or any damage caused to the WWTP by the permittee. The permittee shall pay the Village for the costs incurred for any cleaning, repairing, or replacement work caused by the permittee's violation or discharge. Refusal to pay the assessed costs shall constitute a violation of the permit and this Ordinance and shall subject the permittee to immediate revocation of discharge privileges at the WWTP.

### **Section 16: Prohibited Discharge Standards**

- A. General Prohibitions. No person shall introduce or cause to be introduced into the WWTP any pollutant or wastewater which causes pass through, interference, the Village to violate its National Pollution Discharge Elimination System (NPDES) permit, or its biosolids management program. These general prohibitions apply to all users of the WWTP whether or not they are subject to categorical pretreatment standards or any other federal, state, or local pretreatment standards or requirements.
- B. Specific Prohibitions. No person shall introduce or cause to be introduced into the WWTP the following pollutants, substances, or wastewater:
  - 1. Pollutants which create a fire or explosion hazard in the WWTP, including but not limited to, waste streams with a closed cup flash point of less than 140 degrees Fahrenheit or 60 degrees centigrade using the test methods specified in 40 CFR 261.21.
  - 2. Wastewater having a pH less than 7.0, or more than 10.5 or otherwise causing corrosive structural damage to the WWTP or equipment. The Village may enforce a maximum pH of 9.0 for individual users if the Village Administrator determines that a discharge with a higher pH may be detrimental to the WWTP.
  - 3. Solid or viscous substances in amounts or of such size which will cause obstruction of the flow in WWTP or resulting in interference including any substance detrimental to or determined by the Village Administrator to be detrimental to the WWTP.
  - 4. Pollutants, including oxygen-demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the WWTP.
  - 5. Wastewater having a temperature greater than 70 degrees Fahrenheit, or

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which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the head of a treatment plant to exceed 104 degrees Fahrenheit or 20 degrees centigrade; Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.

6. Pollutants which result in the presence of toxic gases, vapors, or fumes within the WWTP in a quantity that may cause acute worker health and safety problems.
7. Pollutants which cause a high concentration of inert suspended solids, such as but not limited to, slurries, diatomaceous earth and lime residues.
8. Pollutants which cause high concentration of dissolved solids such as, but not limited to, sodium chloride.
9. Pollutants which exert a COD that would increase operational expense or cause treatment problems.
10. Pollutants which exert high chlorine demand such as, but not limited to, nitrite, cyanide, thiocyanate, sulfite, and thiosulfate.
11. Pollutants which result in water or waste materials containing toxic or poisonous substances that may damage or interfere with any sewage treatment process or that may constitute a hazard to any person, animal, fish, aquatic life, or that may be a hazard in the receiving waters of the state.
12. Any substance which may cause the WWTP effluent or any other product of the WWTP such as biosolids, residue, sludge, or scum, to be unsuitable for reclamation and reuse or to interfere with the biosolids management, reuse or reclamation process where the WWTP is pursuing a biosolids, reuse or reclamation program. In no case shall a substance be discharged to the WWTP and cause the WWTP to be in noncompliance with biosolids use or disposal criteria guidelines or regulations under applicable, federal, state, or local law.

- C. Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the WWTP.

### **Section 17: Penalty**

In addition to all other legal and equitable remedies of the Village, including but not limited to the remedies set forth in other Sections of this Ordinance, any person who performs an act forbidden by this Ordinance shall be fined not more than one thousand dollars (\$1,000) for each violation. Each day of any such violations shall constitute a separate offense.

### **Section 18: ORC Section 121.22**

It is hereby found and determined that all formal actions of this Council concerning and

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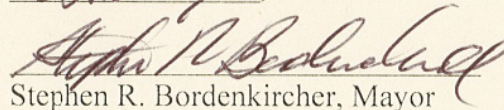
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relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

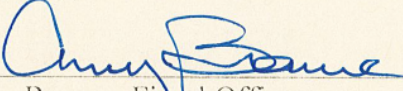
### Section 19: Emergency

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare. The reason for such necessity is that the permits authorized by this Ordinance will be of great benefit to the municipality and generate additional revenue for the Village, and therefore the permits should be authorized as set forth herein without delay. Therefore, this Ordinance shall go into immediate effect upon its approval by two-thirds or more of the members elected to this Council.

PASSED IN COUNCIL THIS 27 day of February, 2023

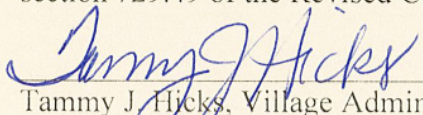
  
Stephen R. Bordenkircher, Mayor

ATTEST:

  
Amy Bourne, Fiscal Officer

### Adoption of Septage Receiving Regulations by Village Administrator

Pursuant to Ohio Revised Code Section 729.51, the Village of West Lafayette Administrator hereby approves and adopts the provisions of this Ordinance No. 2022-XX as regulations necessary for the safe, economical, and efficient management and protection of the sewerage system and sewage pumping, treatment, and/or disposal works mentioned in section 729.49 of the Revised Code.

  
Tammy J. Hicks, Village Administrator

Date: Feb. 27, 2023