

## ARTICLE IV

### USE OF THE WASTEWATER TREATMENT SYSTEM

#### **Section 401 Unauthorized Discharge/Connection**

No person shall discharge or cause to be discharged, either directly or indirectly, to the sanitary sewer system, surface water, foundation drains, groundwater, roof runoff, subsoil drains, subsurface drainage, cooling water, swimming pool water or unpolluted industrial process water as determined by the Director.

No water resulting from basement waterproofing solution methods shall be discharged to the sanitary sewer system directly or indirectly.

Should the owner of such an unauthorized connected premise fail to remove the unauthorized connection within ninety (90) days of being notified by the Director, the Director will issue a second violation notice giving the owner of the premises an additional 90 days to correct the violation and advising the owner that fines may be incurred commencing after thirty (30) days beyond the 90 day second violation period. After 30 days, third violation notices are sent advising the property owner that they may be incurring fines of up to \$100 per day accumulative until the violation is corrected.

Any such connection shall be considered unauthorized, and shall be subject to immediate removal by the owner of the premises so connected.

All removal costs shall be at the owner's expense, except as follows in specified areas: As authorized by the Ohio Revised Code Section 6117.012 and in accordance with the funded program for "District Funded Elimination of Improper Stormwater Inflows" as adopted by the Board of County Commissioners by Resolution dated January 2, 1992, the District may reimburse the participating owner of a premises up to a maximum of \$3,000 for corrective work to remove improper stormwater inflows which were in existence prior to April 12, 1968 or prior to the date such premises became under MSD jurisdiction.

#### **Section 401-A Program for District-funded Elimination of Improper Stormwater Inflows**

1. Purpose. The purpose of this Program is to reduce significantly improper stormwater inflows in the most cost-effective manner, in order to eliminate or reduce instances of surcharged sanitary sewers due to improper inflows, which are inimical to public health and welfare; and to maximize efficient operation of the District's wastewater treatment plants. "Improper stormwater inflows" as used in this Program include any kind of stormwater connection or inflow into the sanitary sewer system prohibited by MSD Rules and Regulations.
2. Eligible Participants. This Program may be utilized only for: (a) Improper stormwater inflows which were in existence prior to April 12, 1968 (the date of the agreement establishing MSD);



or, (b) for premises in areas which were included in the MSD at a later date, improper stormwater inflows which were in existence prior to the date of such inclusion. The reason for this limitation is to preclude implementation of this Program as to improper stormwater inflows established under MSD jurisdiction.

This Program may be implemented only in political subdivisions within the District in which building, health, or other codes prohibit future improper stormwater inflows.

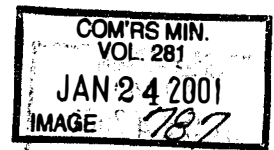
3. Target Areas; Orders. The Director of MSD (the "Director") may implement and make available this Program throughout the District, or instead only in target areas within the District determined by the Director as having the highest priority for reduction of stormwater inflows based on surcharging problems. When the Director issues orders for removal of improper stormwater inflows in an area where the Program is being implemented, the Director shall inform the owner of the availability of the Program. Participation in the Program shall be voluntary; owners declining to participate shall be required to proceed with removal of the improper inflow at the owner's expense.
4. Scope of Work. The Director shall determine for each participating premises the scope of work for reduction of improper stormwater inflows which may be paid for with Program funds, with the goal of achieving the most cost-efficient and timely reductions. If work paid for under this Program does not eliminate every improper stormwater inflow for a participating premises, the Director is not precluded from issuing supplemental orders concerning such premises under Section 401 of the Rules and Regulations of MSD.

For each participating premises the maximum cost which may be paid with MSD funds shall be \$3,000. If additional work is required it shall be performed at owner expense.

5. Approved Contractors. The Director may establish a list of private contractors approved for performing work under this Program based on qualifications including experience, quality of work and insurance. Participating owners may propose additional contractors for inclusion in the approved list.
6. Contractor Selection. Participating owners shall select an approved contractor in accordance with a competitive process established by the Director. After MSD review and approval of the contractor selection and contract price, the owner shall contract with the selected contractor for performance of the approved scope of work. Neither the District nor the Board of County Commissioners shall be a party to such contract. The owner's contract shall specify that the owner's final payment to the contractor shall not be made until the work is inspected and approved by MSD and approved by the owner, and shall require the contractor to secure any building permits as may be necessary.

The Director may establish rules authorizing reimbursement or partial reimbursement for owner-performed work.

7. Release. As a condition to participation in the program the owner shall release the Board of County Commissioners, the City of Cincinnati, and their officers and employees from all liability relating to the work.



8. Payment. After the work is inspected and approved by MSD and approved by the owner the Director shall authorize payment for 100% of the cost of the approved work (subject to the \$3,000 maximum) from District funds appropriated to Capital Improvement Project No. 91-18. partial payments may be made. Payment may be made to the owner or jointly to the owner and contractor. No payments under this Program are subject to reimbursement by owners.
9. Maintenance. Participating owners shall be responsible for maintaining any improvements constructed under this Program.
10. Director Rules. The Director may establish such further criteria and rules as are required to implement this Program. In implementing this Program the Director is authorized to waive strict application of the requirement in section 401 of the Rules and Regulations of MSD whereby removal of unauthorized connections to the sanitary sewer system is to be performed at the owner's expense.

#### **Section 402 Municipalities**

No sanitary sewer or sanitary sewer system shall be constructed within any municipality, which connects either directly or indirectly to a wastewater treatment works controlled by the District, until such municipality has adopted an ordinance prohibiting any unpolluted waters therefrom and meeting the standards of these Rules and Regulations. It shall be the responsibility of each municipality to enforce the provisions of said ordinance. The Director may refuse to permit a connection, either directly or indirectly, to the wastewater treatment system by or within any municipality until that municipality adopts such an ordinance.

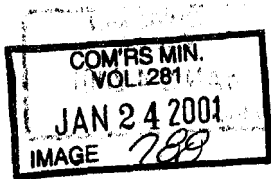
#### **Section 403\* Discharge of Polluted Waters**

No person shall discharge or cause to be discharged to any natural outlet or storm sewer any sanitary sewage or other polluted waters. Effluent from privately owned individual household disposal devices, shall not be discharged to storm sewers.

- \* Enforcement of this regulation is the responsibility of the several Boards of Health. Its appearance here is for informational purposes only.

#### **Section 404 Discharge of Stormwater**

Storm water and all other unpolluted drainage shall be discharged into such sewers as are specifically designed and designated as storm sewers or to a natural outlet where either is available in accordance with the requirements of the public jurisdictional authority. Said unpolluted drainage shall only be discharged to a combined sewer when a storm sewer or natural drainage course does not exist or is unavailable as determined by the District.



### Section 405 Open Sewer

No person constructing a sanitary sewer or sanitary building sewer, shall leave same open, unsealed or incomplete in such fashion as to permit storm or subsurface water to enter such sewers.

### Section 406 Excavation/Fill Permit

Any person owning or having possession, charge or management of any lot or parcel of real estate in which there exist public or private wastewater treatment works and on which an excavation/fill is to be made, shall, before making such, apply to the Director for a permit authorizing the same to be made. This application shall consist of submitting drawings to the appropriate agency showing plan and profile of the existing and proposed work to be performed over the existing sewer. These plans shall be sealed and signed by a Registered Engineer or Surveyor.

Prior to any work commencing, the owner/applicant shall engage an approved engineering firm to inspect the existing sewer system and submit to the District a written report with a video tape and/or photographs of the existing conditions of said sewer. In addition, above ground shots showing the area from manhole to manhole will be required. This report shall also include items such as T-Locations, voids, distortions from original shape, cracks in invert, crown, etc., sediment buildup, active or inactive slide conditions and the station or distance from existing manholes concerning each item or other pertinent information. This report shall be signed and sealed by a registered engineer and will be reviewed by the District to determine if replacement or rehabilitation of the sewer system is necessary.

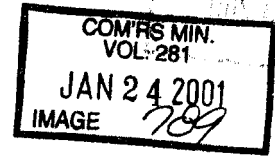
The owner/applicant shall also submit a letter of intent from the engineering firm stating that they will submit to the District a final report, including the items listed above, no sooner than one year after the work has been completed.

Prior to any inspection work commencing, said engineering firm shall be required to sign a waiver of liability holding the District (City of Cincinnati/Hamilton County Board of Commissioners) harmless from all claims, action, damages or injuries to persons, etc., which may occur while inspecting the existing and/or new sewers.

If the Director is satisfied that the proposed excavation/fill will not obstruct, damage or interfere with any lawfully existing public or private wastewater treatment works, under his management, he shall issue a permit authorizing the fill.

In the event it becomes necessary to adjust, relocate or otherwise modify any existing public or private wastewater treatment works as a result of the excavation/fill, the applicant authorized to make the excavation/fill shall, at his expense, make such adjustments, relocations or modifications, as required by the Director, before or during the excavating/filling operation. The applicant shall post a bond, in an amount to be determined by the Director, covering the replacement cost of the existing or modified public or private wastewater treatment works and guaranteeing that the aforementioned excavation/fill will not damage the public or private wastewater treatment works either existing or modified. The bond shall be in force for a period of one (1) year after the work is completed. It will be the owner's/applicant's responsibility to contact the District when all work has been completed to commence the one year waiting

period prior to the final inspection taking place.



#### **Section 407 Tampering; Damaging**

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, deface, cover, or tamper with any wastewater treatment works which is a part of the wastewater treatment system under the Director's management. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

#### **Section 409 Retention of Records**

All Users subject to these Rules and Regulations shall retain and preserve for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of a User in connection with its discharge. All records that pertain to matters which are the subject of enforcement or litigation activities brought by the District shall be retained and preserved by the User until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired. Any or all of the aforementioned shall be made available to the District, OEPA and USEPA for inspection and photocopying at reasonable times and places.