

TABLE OF CONTENTS

	Page
1. GENERAL PROVISIONS	
A. Purpose	1
B. Scope	1
2. WATER SERVICE RULES AND REGULATIONS	
A. Definitions	2
B. Water Distribution System – General	6
C. Main Extensions and Service Connections	6
D. Service and Plumbing Maintenance	8
E. Water Meters and Service	9
F. Firelines and Private Fire Hydrants	13
G. Public Fire Hydrant Use	14
H. Booster Pumps	15
I. Backflow Prevention and Cross Connection Control	15
J. Billing and Delinquent Accounts	17
K. Estimated Consumption	19
L. Water Rates – General Information	20
M. Water Service Rate Schedules	20
N. Complaints and Appeals	20
O. Customers Outside of the City of Dayton	21
P. Emergency Water Conservation	22
Q. Effective Dates and References	23

	Page
3. SOURCE WATER PROTECTION	
A. General	24
B. Summary of the Source Water Protection Program (SWPP)	24
C. Zoning Districts of the SWPP	24
D. Water Department Regulations of the SWPP, R.C.G.O. Chapter 53	25
4. WASTEWATER SERVICE	
A. General	27
B. Sewer Main Extension and Lateral Connections	29
C. Connection to Sanitary Sewer Required	30
D. Connection Approvals	30
E. Separate Connections Required	30
F. Existing Building Sewers	31
G. Abandonment of Service	31
H. Building Sewer Design	31
I. Surface Runoff, Groundwater and Non-Contact Cooling Water Drains	31
J. Prohibited Discharge Standards	32
K. Categorical Pretreatment Standards and Other Discharge Limitations	32
L. Hauled Wastewater	32
M. Wastewater Discharge Permit Requirements	32
N. Reporting Requirements	33
O. Sampling and Analytical Requirements	34
P. Compliance Monitoring	34
Q. Administrative, Judicial and Supplemental Enforcement Remedies	34
R. Building Laterals and Plumbing Maintenance	35

	Page
S. Private Meters	35
T. Sewer Billing and Delinquent Accounts	35
U. Wastewater Rates – General Information	36
V. Extra-Strength Surcharge	37
W. Wastewater Service Rate Schedule	38
X. Customers Outside the City of Dayton	38
Y. Complaints and appeals	38
Z. Pretreatment Charges and Fees	38
AA. References	38
5. STORM WATER DRAINAGE SYSTEM	
A. General	39
B. Extensions of or Connections to the Municipal Separate Storm Sewer System (MS4)	40
C. Retention/Detention Basins	40
D. Private Drainage Facilities	41
E. Sediment and Erosion Control	42
F. Billing and Delinquent Accounts	42
G. Billing Complaints and Appeals	42
6. PLUMBERS AND EXCAVATORS	
A. General Information and Purpose	43
B. License and Performance Bond	43
C. Permits and Inspection	44
D. Standards for Taps, Service and Meters	44
E. Tapping Water And Sewer Mains	44
F. Main Extensions	44
G. Water Service Installation – Domestic	44
H. Water Service Installation – Fire	45

	Page
I. Valve and Curb Stop Operation	45
J. Pressure/Leakage Test	45
K. Disinfection	46
L. Separation of Water Services and Building Laterals	46
M. Minimum Cover	46
N. Metered/Unmetered Water	46
O. Metering	47
P. Backflow Prevention-Cross Connection Control	47
Q. Payment of Accounts	47
R. Penalties	47
S. Employees	47

RULES & REGULATIONS OF THE DEPARTMENT OF WATER

1. GENERAL PROVISIONS

These Rules and Regulations of the Department of Water, including the drinking water, sanitary sewer and storm sewer tariff rates, are established under authorities set forth in the Charter and Revised Code of General Ordinances of the City of Dayton (R.C.G.O.). Nothing contained in these Rules and Regulations shall be construed so as to interfere with the duties and power of the Director of Water as set forth in the Charter and R.C.G.O. The Department of Finance administers portions of the Rules and Regulations relating to water and sewer service revenue collections.

A. PURPOSE. The purpose of the Rules and Regulations is to provide procedures for the construction, maintenance and use of the City water, stormwater, and wastewater facilities so as to:

- 1) Protect and enhance the public health, safety, environment and welfare;
- 2) Preserve and maintain City water distribution, stormwater drainage and wastewater collection facilities for the benefit of its Customers; and,
- 3) Prevent and eliminate public nuisances.

B. SCOPE. These rules and regulations shall apply to any person, customer, or entity who directly or indirectly uses the City water delivery system, water facilities, municipal separate storm sewer system, wastewater sewers or wastewater treatment facilities or who maintains, expands or extends these facilities or facilities appurtenant thereto. Water service requirements and procedures are delineated in Section 2. Requirements relating to the protection of the well field and the aquifer from which it draws its water are addressed in Section 3. Sewer service requirements and procedures are delineated in Section 4. Section 5 addresses the use and extension of the municipal separate storm sewer system. Plumbers' and excavators' responsibilities are listed in Section 6.

2. WATER SERVICE RULES AND REGULATIONS

A. DEFINITIONS

The following definitions apply to all sections of the rules and regulations of the Department of Water unless the context clearly indicates otherwise.

- 1) Abandoned Account means an account that has been deserted by the customer. The account may be delinquent with the owner being non-responsive to the City's efforts to remove the water meter, or the customer may have demolished the premises creating a vacant property with no need for service.
- 2) "Appeal" means a written request for review of a water or wastewater service charge directed to the Board of Water and Sewer Charge Review or, if appropriate under these rules, to the Board of Water and Sewer Charge Appeals.
- 3) "Board of Water and Sewer Charge Review" ("BWSCR") means the group authorized to review customer billings being contested by the customer. The board consists of the Director of Finance or a designee, the City Attorney or a designee, and the Director of Water or a designee.
- 4) "Backflow" means the flow of water or other liquids, mixtures or substances into the distributing pipes of the water supply from any source other than the intended source of the water supply.
- 5) "Backflow Prevention Device or Backflow Prevention Assembly" means testable mechanical apparatus complete with resilient seated shut off valves used to prevent backflow.
- 6) "Bad Piping" means water piping before or after the meter that, in the sole discretion of the Department of Water, is deemed beyond repair or to have adverse corrosive properties.
- 7) "Best Management Practice" (BMP) means schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- 8) "City" means the City of Dayton, Ohio.

- 9) “Cross Connection” means any connection or condition allowing actual or potential reversal of flow in a service and/or contamination of the potable plumbing systems.
- 10) “Curb Box” means the housing that extends from the ground surface to the curb stop which is used to allow access to the curb stop.
- 11) “Curb Stop” means a shut off valve on the water service for control of flow to the Customer’s premises. It is normally located between the curb and property line.
- 12) “Curb Stop Termination” means securing the curb box to prevent the operation of the curb stop. The box may be secured with rocks, concrete, or a mechanical locking device.
- 13) “Customer” means:
 - a) Within the City, the Customer is the property owner. The property owner’s responsibilities under these rules cannot be transferred, assigned or otherwise diminished. The property owner shall be financially responsible for all charges and fees regardless of whether the property owner consumes or uses the water; or
 - b) Outside City limits (being served through and intergovernmental contractual agreement), the government agency having a contractual relationship with the City to provide water service within a service area. This governmental agency has all financial responsibilities associated with individual services within their jurisdiction regardless of who actually uses or consumes the water; or,
 - c) Outside City limits (being served from a City owned water main as Customer billed directly by the City), the Customer is the property owner as described in Section A.
- 14) “Dead Meter” means a water meter that fails to register consumption due to either mechanical malfunctions or an obstruction.
- 15) “Director” means the Director of the City of Dayton Department of Water, or his or her duly authorized representative.
- 16) “Estimated Read” means any meter value entered into the Revenue billing system that does not represent an actual read by authorized City personnel. The estimated read shall be calculated using either the historic consumption pattern or the customer’s provided meter reading.
- 17) “Excavator” means any person licensed and bonded by the City to perform excavation work.

- 18) “Frozen Meter” means a water meter that is frozen and subsequently damaged due to cold weather.
- 19) “Impervious Surface Area” means land area covered by buildings, pavement or other material that prevents storm water from penetrating the ground.
- 20) “Lateral” means pipe connecting the Customer’s facilities to either the wastewater sewer main or the municipal separate storm sewer system.
- 21) “Lost Meter Accounts” means an abandoned account where the meter is inaccessible because it is within a locked or destroyed building. The cost of the meter is then charged to the account and ongoing charges to the account are discontinued. If at a later date the meter becomes accessible, the customer will be responsible for the cost of any water consumed through the meter.
- 22) “Main Extension” means the construction of additional public water main or sewers to serve Customer’s facilities. Construction normally occurs in the public right-of-way or easements.
- 23) “Manifold Meter” means multiple water meters installed on one service to serve one or more users.
- 24) “Meter Pit” means the vault in which a water meter is contained.
- 25) “Meter Read” means the registration of a water meter as read by authorized City personnel.
- 26) “Meter Tampering” means physically altering the meter or the unauthorized removal and/or reinstallation of the water meter.
- 27) “Municipal Separate Storm Sewer System (“MS4”) means all conveyances and control structures including, but not limited to, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, dry-wells, infiltration devices or storm drains owned and operated by the City which are designed or used for collecting, controlling or conveying storm water but shall not include any part of any airport owned or operated by the City.
- 28) “Plumber” means a master plumber licensed and bonded by the City to perform plumbing or service work.

- 29) “Private Drainage Facilities” means any stormwater conveyance system including, but not limited to, detention/retention basins, ditches, swales, storm sewers and private laterals that are not owned and operated by the City.
- 30) “Publicly Owned Treatment Works (“POTW”) means a "treatment works," as defined by Section 212 of the Act (33 U.S.C. § 1292) which is owned by the City. This definition includes all devices, facilities or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes of a liquid nature and any conveyances that convey wastewater to a treatment plant.
- 31) “Residential Customer” means a customer with one (1) to four (4) housing units served by a single account.
- 32) “Shut Off” means the closing of the control valve on a water service through which all water must flow to the premises.
- 33) “Street Valve” means a shut off valve on larger services normally located near the water main.
- 34) “Tap” means connection to the water main allowing water to be passed into the Customer’s service.
- 35) “User” means the individual(s) or business (es) occupying a premises and consuming or expending the water passing through the meter.
- 36) “Wastewater Sewer or Sanitary Sewer” means the structures, processes, equipment, piping and arrangements used to collect and transport wastewaters to the treatment facility.
- 37) “Water Distribution System” means the network of water mains and related appurtenances.
- 38) “Water Main” means a large pipe used to convey water through the distribution system to numerous Customers.
- 39) “Water Service” means a pipe used to convey water to the Customer’s premises from a water main.
- 40) “Water Theft” means using City water without the consent of the Department of Water.

B. WATER DISTRIBUTION SYSTEM – GENERAL

- 1) No person shall deny to a City employee, presenting proper identification, access to a Customer's premises or any premises served by the City water distribution system for the purpose of determining where and how water is used, inspecting pipes, conducting a backflow or water quality investigation, maintaining and reading the water meter or any other reasonable purpose related to water consumption or water delivery. Denial of access is justification for shutting off the water service.
- 2) The Department of Water maintains all public water mains in dedicated streets and easements. Water may be shut off for system maintenance; however, the City shall not be liable for any accidents or damages resulting from such a shut off.
- 3) Whenever customer owned equipment is subject to damage in the event of an interruption to their water supply, that customer shall provide sufficient reserve water and other necessary equipment to prevent damage or malfunction during a shut off, regardless of whether prior notice of the shut off is given.
- 4) The Department of Water operates all valves on the water distribution system. No person, other than employees of the Department of Water, shall operate curb stops, street valves, meter bypass valves or fire hydrants without authorization. Persons violating this regulation will be assessed a *Fee for Unauthorized Use* as established by ordinance. Personnel in the Finance Department may operate curb stops. Fire hydrants and branch valves may be operated by members of the Department of Fire or Street Maintenance personnel in the performance of their duties.
- 5) All water services, meters, backflow prevention assemblies, and sewer laterals shall be installed in accordance with the latest "Standards for Taps, Services, Meters and Backflow Prevention" as published by the Dayton Water Department.

C. MAIN EXTENSIONS AND SERVICE CONNECTIONS

- 1) No person shall extend or tap a water main prior to receiving written approval for such tap or extension from the Department of Water, Division of Water Engineering.
- 2) No person, other than authorized Department of Water personnel, or governmental agencies having contracts with the City, shall tap an available water main without the written authorization of the Department

of Water. A Customer proposing to have a tap made in an available water main and the service extended to the Customer's property line shall employ only plumbers and excavators licensed and bonded by the City. Before making a tap in any water main, a contractor shall contact the City Department of Water and obtain written approval of the tapping procedures and authorization to make the tap.

A water main is available to tap for water service if the water main extends over the entire frontage of the property served and the water main is less than twenty (20) inches in diameter. No other water main shall be considered available for tapping for water service without the written authorization of the Department of Water. The Department of Water, Division of Water Engineering may, at its sole discretion, make exceptions for circumstances such as cul-de-sacs and mains twenty (20) inches in diameter or greater.

Plumbers and excavators shall comply with Section 6 of these Rules and Regulations. The City may, at its sole discretion, require that portions of service installations be performed by the Department of Water. All costs of making these installations shall be billed to the appropriate plumber or excavator at current prices as determined by the Director of Water. Costs billed by the Department of Water are updated periodically and are based on current cost of labor, material and equipment plus reasonable overhead. No person shall begin any service work without obtaining all plan approvals, permits, and the payment of required fees and costs.

- 3) The minimum size for new water mains shall be eight (8) inches in diameter. The Director may approve an exception to this minimum for replacement of private lines in public right-of-ways.
- 4) If the water main is constructed by the City, the person upon whose behalf the main is constructed shall pay the City the actual construction cost per lineal foot for each foot of land served abutting upon the water main, or for each premises actually served at the time of construction, as provided by individual agreement.

Where such extensions within the City are required to be larger than eight (8) inches in diameter, the City may participate in the cost of certain materials such as pipe, valves and fittings. The City's participation shall not exceed the difference between the material cost for an eight (8) inch diameter main and the larger main installation. The material cost shall be determined by using current material item prices maintained by the Department of Water.

- 5) If a large transmission main is constructed through an unserved area at the expense of the Water Fund, the main shall not be available for service to adjacent properties until reimbursement is made to the Water Fund. The amount of reimbursement shall be equivalent to the full construction cost of an eight (8) inch diameter main extension.

D. SERVICE AND PLUMBING MAINTENANCE

- 1) No person, other than authorized city personnel, shall operate a street valve. Licensed plumbers may secure authorization for the operation of curb stops two (2) inches or smaller in diameter through the Department of Water. Any person who, without authority, operates a curb stop shall be assessed a *Fee for Unauthorized Use*. Unauthorized operation of a curb stop may cause the Department of Water to sever service. Water service shall not be restored until all outstanding charges are paid.
- 2) Water services that are within City limits, from the water main to the curb stop, property line or easement line as determined by the Department of Water, shall be maintained by the Department of Water. The Department of Water may also maintain the curb stop.
- 3) The Customer shall maintain the curb box and the meter pit so as to keep them accessible, undamaged and free of debris and at finished grade. The Department of Water may perform minor adjustments on the curb box if needed.

The Department of Water shall not be liable for accidents or damages resulting from boxes being above or below grade. Curb boxes made inaccessible by Customer or user neglect or abuse shall be repaired by the Department of Water and the cost charged to the Customer's bill. The *Customer Service Fee*, as established in a separate ordinance or actual cost, whichever is greater, shall be assessed.

- 4) Maintenance of the service and plumbing on the Customer's property or on the Customer's side of the curb stop shall be the Customer's responsibility. Leakage between the curb stop or property line or easement line and the meter on premises shall be promptly repaired. The Customer shall be notified in writing to repair the leak and said notice shall include a thirty (30) day shut off date for noncompliance. For severe leaks, the Director of the Water Department may establish a compliance period of less than thirty (30) days.

- 5) In the case of an emergency when a plumber is unavailable, the Department of Water may shut off the curb stop. The City shall not be held liable for any damages resulting from operation of the curb stop. The *Customer Service Fee* shall be charged to the Customer for routine operation of curb stops by City personnel either for Customer or user convenience or noncompliance.

In the event of non-payment of the utility bill, lack of an annual meter reading and/or a defective meter or upon the resumption of service, the Finance Department may operate the curb stop. The City shall not be liable for damage or injury to person or property resulting from operation of the curb stop.

- 6) Low pressure problems are normally caused by faulty on-premises plumbing or corroded service piping on the Customer's side of the curb stop. Low pressure investigations on the Customer's premises may be requested of the Department of Water. However, should the check by the Department indicate the problem to be on the Customer's side of the curb stop or on private property, the *Customer Service Fee* shall be charged.

E. WATER METERS AND SERVICE

- 1) New meter installations and changes in meter size require a permit from the One Stop Center, Department of Building Services. Customers must complete a proper application consisting of the owner's name and address, the billing name and address if different from the owner, meter size, lot number, and phone number. Customers must call Water Distribution to have the meter set when plumbing work is approved. Additionally, Customers must obtain a permit from the City's One Stop Center for new services and meter size changes.
- 2) Customers must contact the Finance Department to resume an existing service. A *Resumed Service Fee* shall be charged for a resumed service when the service is shutoff but the water meter was not removed. This is in addition to any other *Customer Service Fee* that may be applicable.
- 3) The Finance Department may require a deposit of up to two quarters average usage or Two Hundred Fifty Dollars (\$250), whichever is greater and may require the provision of personal information such as social security numbers and the completion of a liability service contract to establish, continue or resume service.
- 4) The Department of Water may refuse or shut off water service to any property declared a public nuisance or which otherwise is unfit for human occupancy or which may jeopardize the safety of the water supply or water system. If rehabilitation work is under way pursuant to a special

ninety (90) day rehabilitation permit, the Customer or user may apply for water service. If service is restored, the Department of Water may impose terms and conditions for the renewal of service.

- 5) *Meter Set Fees* are established in a separate ordinance.
- 4) Upon installation of a service, no Customer shall use water before the service piping is inspected and approved by the Department of Water and the correct address is posted on the property. Meters shall be set only in accessible locations approved by the Department of Water. No person, other than an authorized Department of Water representative shall install, disconnect, or remove from service any water meter. All water meters are the property of the Department of Water. Customer shall be charged the replacement cost for any meters improperly removed, damaged or otherwise not recoverable.

Customers tampering with the meter shall be charged the cost of meter repair or replacement in addition to the *Fee for Unauthorized Use*.

- 5) Customers shall protect meters from theft, damage and freezing. The Customer shall:
 - a) keep meters accessible for reading and maintenance;
 - b) ensure that meter pits remain in good repair;
 - c) ensure that meter pits are free from ground water, debris, hazards, and physical obstructions; and,
 - d) ensure that all lids are in place and operable and that the tops of the meter pits are at finished grade.

When meters are damaged, frozen or lost the customer shall be charged the meter set fee plus the cost of a new meter. Customers are cautioned that in very cold weather, services, meters and plumbing may freeze even though installed in accordance with accepted practice. Additional protection from freezing may be necessary, such as the use of insulation, running water, heat tape and heat lamps.

- 6) The City shall perform an actual read on each meter at least once every twelve (12) months. Meters not read every twelve (12) months or those in hazardous or filthy locations are deemed inaccessible. Owner reads are not actual reads but are estimated reads. The owner of the premises is responsible for an inaccessible meter and all fees that result from an inaccessible meter.

In order to maintain an efficient and equitable delivery of service, the Finance Department may provide two (2) special readings per consecutive twelve (12) month period per service location. After two (2) special readings in a twelve (12) month period, the Finance Department may

assess a *Special Meter Read Fee* for any additional, requested special readings.

If a Customer or user fails or refuses to allow access to the meter for a special read, the *Special Meter Read Fee* shall be assessed. An authorized supervisor shall determine if a meter is inaccessible. The determination is final. The Department of Water or the Finance Department shall notify the Customer that the meter is inaccessible. The Customer shall correct the inaccessible condition within thirty (30) days following the mailing of the notice. Corrective action may include, but is not limited to, the installation of an outside meter box. The Department of Water or the Finance Department may discontinue service to any Customer who fails to correct an inaccessible condition within thirty (30) days of the mailing of notice.

- 7) The City may install the meter with a digitally encoded register equipped with a transmitter in accordance with the City's automatic meter reading (AMR) program. In all cases, the City shall be responsible for the cost of the initial installation. The City is the owner of the AMR transmitter it installs and may at any time remove the transmitter if it should fail to accurately record meter readings. If the transmitter malfunctions, usage on the register at the meter determines the actual use. If the AMR transmitter is damaged by the customer, the customer shall be charged the cost to repair and or replace the equipment. The installation of a transmitter does not eliminate the possibility of a future need to enter the premises to read, repair, seal or replace the meter. For water service requested to be shut-off, the City at its option, may leave the AMR meter in place but shut-off service to the meter at the curb stop.
- 8) The Department of Water meters are accurate within two percent (2%), or within the allowable tolerances established in the current American Water Works Association ("AWWA") Standards, whichever is more stringent. The Customer or user may request a meter test at any time. However, should the test confirm accuracy within the allowable tolerance, the *Meter Test Fees* will be assessed on the Customer's next water bill.

If the meter is inaccurate, the water bill for the previous billing cycle shall be adjusted to the allowable percent limit and no charge for the test shall be assessed.

Each retest of the same meter requested by the Customer or user shall result in a *Customer Service Fee*.

- 9) The Department of Water shall perform all meter maintenance and may repair or replace any meters. The Department of Water may require the Customer to upgrade the meter spread and adjacent piping to meet current

meter standards. The Department of Water shall notify the Customer in writing if piping adjacent to the meter is bad piping and must be replaced. The Department of Water may shut-off the water service if the Customer fails to repair or replace bad piping within sixty (60) days of the mailing of notice.

- 10) The meter bypass valve and piping shall be utilized solely by authorized Department of Water personnel. Unauthorized use of a meter bypass valve or piping constitutes water theft. The Customer will be charged for the estimated consumption and the *Fee for Unauthorized Use* shall be assessed.
- 11) The Department of Water may remove, replace or install any water meter apparatus necessary to maintain an efficient metering and billing program. Water may be shut off to perform meter maintenance or removal; however, the City shall not be liable for any accidents or damages resulting from such a shut off.

The City may shut off the service to the property if a Customer or user refuses or fails to allow the removal, replacement or installation of a meter.

- 12) No person shall install manifold or multiple meters served from the same service without prior approval by the Director of the Department of Water. In approved manifold or multiple meter locations, the Customer is responsible for each water bill. Service to manifold or multiple meters may be shut off if:
 - a) one or more metered accounts is delinquent;
 - b) individual lock stops are not available or are inaccessible; or
 - c) lockstops are operated without Water Department authorization.

In existing manifold or multiple meter situations, the Division of Water Engineering or the Finance Department may:

- a) require the billing for all meters involved be placed under the property owner's name only and that the property owner would be billed for all usage;
 - b) require that individual lockstep be installed for each meter at the owner's expense;
 - c) remove the manifold and multiple meters and install one meter at the premises at the owner's expense; or
 - d) any combination of these remedies.
- 13) If approved by the Director of the Department of Water, the Customer may use a private meter for the sole purpose of billing. The Customer

shall submit a special billing request to the Director for consideration. The Customer shall be charged the *Special Meter Read Fee* if a private meter is read for special billing.

Customers using a private meter for special billing purposes shall be responsible for maintenance and expenses. The Customer shall perform any service on a private meter that the Department of Water deems necessary or appropriate. The Customer may request the Department of Water to service the meter with the cost charged to the Customer.

The Department of Water may sell meters for private use if deemed in the best interest of the Department. The sale price for a used meter is its depreciated value plus handling costs. The sale price for a new meter is its replacement and handling costs.

- 14) The use of unmetered water for construction purposes is prohibited. Water will be provided upon inspection and approval of the water meter set piping including backflow protection measures. The cost for the water used will be billed at normal rates.

F. FIRELINES AND PRIVATE FIRE HYDRANTS

- 1) Customers shall submit plans and obtain approval from the City before installing a fireline service. Upon approval, the Customer shall contract with a plumber or pipe laying contractor/excavator licensed by the City and also licensed by the State Fire Marshall for underground fire main. The fireline service shall be installed in accordance with the latest edition of the “Standards for Taps, Services, Meters and Backflow Prevention” and Section 6 of the Rules and Regulations and National Fire Prevention Association (“NFPA”) Standard #24.
- 2) A Customer with an unmetered fire service is liable for *Fireline Service Fee* as established in a separate ordinance.
- 3) Upon approval of the meter design by the Department of Water, a fireline meter may be installed at the Customer’s expense. The Customer is liable for all water consumed through the fireline plus the *Special Meter Read Fee* each time the meter is read. Fireline meters are private meters and the Customer shall maintain the meter in proper operating condition as determined by the Department of Water. The City may repair private meters and the Customer is liable for the cost of these repairs. If the Customer fails to comply with a request to repair or replace said meter the Customer is liable for the *Fire Line Service Fees* based on the size of the fireline. The Customer shall maintain the meter in proper operating condition as determined by the Department of Water.

- 4) A meter utilized for both fireline and domestic purposes, of a design approved by the Department of Water, may be installed at the Customer's expense. The charges will be in accordance with Sections 2 (L) and 2(M) of these rules. The meter shall be maintained as agreed upon by the Department of Water and the Customer prior to plan approval.
- 5) Upon detection, the Customer shall immediately repair leaks in unmetered fireline services. The Department of Water may shut off fireline service if the Customer fails to repair a leak. The Department of Water is not responsible for any damages resulting from any such action. The Director of Water may require any fireline service to be metered at the Customer's expense.
- 6) The contractor shall be charged the *Fire Hydrant Flow Test Fee*, as established in a separate ordinance, when performing a fire flow test of the City water distribution system for building sprinkler design systems. The Contractor must obtain a permit to perform the fire flow test. Department of Water personnel shall operate the hydrants for these tests. The contractor will provide the necessary gauges and take readings during the flow tests.
- 7) No person shall use an unmetered private fire hydrant other than personnel authorized by the Department of Water. Any person misusing a private fireline or private hydrant shall be assessed the *Fee for Unauthorized Use*.

In addition to the basic *Fee for Unauthorized Use*, the Customer shall be liable for the cost of water consumed via misuse of a private fireline or private fire hydrant. That cost shall be charged to the Customer in accordance with Section 2(K) of these rules.
- 8) Fireline booster pumps shall be installed in accordance with current NFPA standards. The Department of Water reserves the right to require a water meter installed at the owner's expense, on any pressure maintenance (jockey or make-up) pumps.

G. PUBLIC FIRE HYDRANT USE

- 1) No person shall operate a fire hydrant without a permit, except authorized personnel of the Dayton Departments of Fire or Water. Any unauthorized use will result in the assessment of the *Fee for Unauthorized Use*.

Water may be drawn from fire hydrants for permitted uses by obtaining proper permits from the Department of Water, Division of Water Engineering. Customer charges for the use of a fire hydrant shall be established in a separate ordinance for *Fire Hydrant Flow Tests* and *Swimming Pool Filling*.

- 2) The Customer may apply for a permit for the use of a meter on the fire hydrant. A *Fire Hydrant Meter Minimum Fee* shall be charged for use of the meter and inspection of the fire hydrant. A deposit is required as deemed appropriate by the Department of Water and the Customer shall pay for all water consumed at the regular rates. The Customer is responsible for loss or damage to the meter, hydrant and related fittings. A ten percent (10%) surcharge will be assessed for fire hydrant use outside of the City.

No person shall move a fire hydrant meter to another hydrant without the approval of the Department of Water. When approval is obtained to move the meter, a *Fire Hydrant Meter Relocation Fee* will be assessed for each hydrant used. A fire hydrant meter permit may be revoked at any time at the discretion of the Department of Water. In addition to the preceding fees, the Department of Water may collect an equipment deposit.

- 3) Special conditions and fees for use of a fire hydrant shall be evaluated by the Director of the Department of Water on an individual basis and shall be included as part of each permit. Application for said use is to be made to the Department of Water, Division of Water Engineering.

H. BOOSTER PUMPS

- 1) Each domestic, fire or other pump connected to the City distribution system shall be equipped with a low suction cut-off device that will turn the pump off if the suction pressure should drop to below ten (10) Pounds-Force per Square Inch Gauge (“P.S.I.G.”). The device shall be designed to restore the operation of the pump automatically when suction pressure has been restored.
- 2) Each building owner shall annually certify that its low suction cut-off device is operating properly and provide test results satisfactory to the Department of Water.

I. BACKFLOW PREVENTION AND CROSS CONNECTION CONTROL

- 1) As a condition for water service, the Customer shall protect the City water distribution system from backflow. All new services connected to the City water distribution system shall conform to the current *Standards for Taps, Services, Meters, and Backflow Prevention of the Department of Water*. All plumbing installed after the meter shall conform to the State of Ohio Plumbing Code as described in Ohio Administrative Code (O.A.C.) Chapter 4101.3-6. Firelines shall conform to the current NFPA Standards and as required by the Department of Water.

In addition to the above, all cross connections to auxiliary potable or non-potable or hazardous water systems as outlined in O.A.C. Chapter 3745-95-04, or latest revision thereof, are prohibited unless approved by the Ohio Environmental Protection Agency. Residential auxiliary water supplies are not permitted to be interconnected with the public water supply. When auxiliary supplies are present and not connected to the potable system, the public system shall be protected by the Customer from backflow by a method approved by the Department of Water. Temporary connections to the City water distribution system, including, but not limited to, water haulers, lawn care, pest control and contractors, shall be protected against backflow by means of an air gap or other means approved by the Department of Water.

- 2) The Department of Water may require a backflow prevention assembly at the meter or fireline service entrance for any existing service. If in the judgment of the Director, the Customer's premises and/or service are deemed an actual or potential hazard to the safety of the water distribution system, such Customer or user, at their expense, shall be ordered to protect the service from backflow in an approved manner. If the hazard is deemed to be of a serious nature or the Customer or user refuses to cooperate with the Department of Water or the Department of Building Services, Division of Building Inspections, the service shall be shut off immediately and remain off until the Customer's premises are in compliance.

If a private fire suppression system is modified in an existing structure so much as to require another tap from a public water main, then at that time the Department of Water may require that all existing fire services to that building be brought up to current standards for Taps, Services, Meters and Backflow Prevention.

- 3) An approved certified tester shall test backflow prevention assemblies at the expense of the Customer at the time of installation and at least once every twelve (12) months. The Customer or user shall rebuild any backflow prevention assembly that fails to pass a test. If the backflow prevention assembly is located on a fireline, then the certified tester must also be a certified sprinkler contractor. The Department of Water shall notify the Customer when a certification test is required for a backflow assembly on the Customer's premises. The Customer shall complete such test on or before the scheduled due date.

If the Customer does not submit proof that the backflow prevention assembly has been tested within sixty (60) days of the due date, the Customer will be charged on the next water bill the *Backflow Recertification Late Fee* as established by a separate ordinance for each untested assembly. If the backflow prevention assembly is not tested within the next thirty (30) days and certified operational, the service will

be shut off and service shall not resume until the assembly is successfully tested.

J. BILLING AND DELINQUENT ACCOUNTS

- 1) After reading the meter or estimating consumption, a statement of charges due shall be sent to the Customer on file and tenant where applicable. All bills shall contain gross and net amounts and may contain the late fee and shut-off date. Net amounts are gross less a five percent (5%) discount on water and sewer charges payable within fourteen (14) days. The five percent (5%) discount is offered as an incentive for prompt payment. However, governmental agencies under separate agreements shall make payments to the City as per the terms and conditions of said agreements. If the bill is not paid by the date the gross amount is due, past due notices may be mailed.
- 2) Should a bill remain unpaid for twenty eight (28) days after the net payment date the account shall be considered delinquent and processed as follows:
 - a) a 1 ½% late fee may be assessed on the bill.
 - b) a seven (7) day shut off notice may be mailed to the property where the water was consumed and a duplicate copy thereof shall be mailed to the billing address and to the Customer; and
 - c) the water service may be shut off as soon as practical and not turned on again until all bills and charges are paid, except as otherwise provided herein.

The Director of Finance may set a minimum value of delinquency for shut off. In a manifold metered situation, the City may shut off all units for the delinquency of one (1) or more units within this limited shut off situation.

- 3) If all charges are not paid within fourteen (14) days from the schedule shut off date, the meter may be removed at the discretion of the City. One attempt may be made to remove the meter during the next fourteen (14) day period. If the meter has not been removed at the end of the second fourteen (14) day period, the account may be considered abandoned.

All abandoned accounts that are not resumed within sixty (60) days from the gross payment date may be considered lost meter accounts and charged to the Customer or user for all amounts due. In the event a Customer transfers or abandons a service, all charges are due immediately. The Customer may be held accountable for any consumption registered on an abandoned account water meter and billed accordingly.

- 4) Any owner of real estate premises installing or maintaining water service connections agrees to comply with all rules and regulations of the Department of Water, including liability for all water, sewer and storm water charges, whether the accounts are carried in the owner's name or in a tenant's name or the name of some other person(s). The Finance Department may transfer delinquent charges on an account to another active service location owned by the same Customer who incurred charges and failed to pay. The Director of Finance may certify all delinquent charges (including but not limited to charges for water, sewer and storm water services including fees for waste containers, theft and service termination fees) to the County Auditor for payment with property taxes.
- 5) Delinquent accounts shall be assessed a *Delinquent Shut off Charge* on the scheduled shut off date. Should the account remain unpaid, City personnel will continue to check service after every billing cycle and a *Delinquent Shut off Charge* will be assessed for each trip made to verify that the service remains off. Once Water service has been turned off and is turned on again by anyone other than authorized City personnel, the curb stop shall be secured and the *Curb Stop Termination Fee* and the *Fee for Unauthorized Use* shall be assessed. Unauthorized operation of the shut-off valve may result in severing the service and the Customer shall be charged the *Service Termination Fee* as established in a separate ordinance.

Reestablishment of terminated services shall not be performed until all charges have been paid including the actual cost of reconnecting the service.

- 6) Water and Sewer charges will continue to accrue as long as the meter remains active and in service at the property. If a meter is left in place at the City's option and the service is shutoff; water and sewer charges will not accrue. If the meter is missing, charges shall continue to accrue until the Finance Department determines that the account is abandoned. Storm water charges continue as long as the impervious surfaces remain on a property.
- 7) Services may be shut off if declared delinquent or otherwise requested by the Customer or occupant of the premises. Services shall not be shut off upon the request of a landlord as a means to evict a tenant. Service may be shut off to a tenant whose account is declared delinquent.
- 8) The Director of the Finance Department may grant an extension of up to twelve (12) months for payments. Each case will be considered on an individual basis upon the request of the Customer or user.

- 9) If a dispute should exist on payment arrangements between an owner and the tenant, the owner has the final approval.
- 10) In cases where industrial, commercial or governmental accounts become delinquent, the Director of Finance shall determine the course of action.
- 11) Customer's checks that are not honored by the bank shall result in a *Bad Check Fee*.
- 12) The addresses of occupied premises that are shut off for delinquency shall be forwarded to the Manager of Building Inspections.
- 13) The public records of the Finance Department are available for inspections and copying at reasonable times during regular business hours. The Finance Department may charge the costs it incurs in such inspection and copying to the person requesting the public record.
- 14) When the Director of Finance determines that an account delinquent in amount not more than Two Thousand, Five Hundred Dollars (\$2,500) is uncollectible, the Director may order the bill to be cancelled.

K. ESTIMATED CONSUMPTION

- 1) Any person using or consuming unmetered water should have the consumption estimated and charged accordingly. In addition to the estimated consumption charges, the *Fee for Unauthorized Use* shall be charged.
- 2) If a meter has failed to register the amount of water consumed, or the meter was not read, the consumption for the period may be estimated. Additionally, where the meter has malfunctioned for an undetected period, the account may be billed for previous usage for a period of up to six (6) years.

Any such estimate or outstanding amount may be adjusted if the Customer makes a request before the net payment date and presents satisfactory evidence supporting the adjustment to the Finance Department or Water Engineering. If the estimated bill is not disputed before the gross payment date, then the estimated charges will remain as originally billed.

- 3) The Finance Department or Water Engineering may consider past and/or current usage patterns and type of service in order to generate estimates. The historic usage pattern may be considered for up to 3 years to establish seasonal usage fluctuations.

L. WATER RATES – GENERAL INFORMATION

- 1) Any property connected to the City’s water system shall be billed a minimum charge based upon the size of meter being used. Minimum charges may be avoided if water service is not needed. The Finance Department should be contacted for the specific information.
- 2) Usages obtained from special reads shall be billed in proportion to the period elapsed since the regular read as compared to the normal billing period between regular reads.
- 3) In addition to the minimum charges and the consumption charges, a well field protection charge may be assessed to all customers.
- 4) The Director of the Finance Department may render bills at regular rates for extended periods beyond three (3) months. Bills may be issued to Customers or users for periods shorter than three (3) months provided the total number of billings equate to no more than the total number of billings normally issued in a one (1) year period.
- 5) Monthly billing may be implemented for an account when deemed appropriate by the Director of Water or the Director of Finance

M. WATER SERVICE RATE SCHEDULES

- 1) The rates set forth in applicable City ordinances shall apply. These rates are subject to change.

N. COMPLAINTS AND APPEALS

- 1) Customers or users with water, storm water, and/or sewer billing complaints and that are billed directly by the Finance Department, may contact the Finance Department call center in regards to these complaints. Such complaints are subject to the Rules and Regulations set forth herein.

Customers or users with billing disputes that are not billed directly by the Finance Department shall contact the governmental agency with jurisdiction.

- 2) Customers or users dissatisfied with the resolution of billing complaints may appeal, in writing, to the Board of Water and Sewer Charge Review (“BWSCR”). The Director of Finance must receive the written appeal within two (2) billing cycles of the date of the disputed bill.

To be considered by the Board, appeals shall include the following:

- a) complainant's name, address, and daytime phone number (indicating if the complainant is the owner or tenant);
- b) service connection address of the charge in dispute;
- c) customer service representative's name;
- d) copies of the disputed bills;
- e) basis for the dispute; and
- f) amount of relief requested.

Customers filing appeals before the gross billing amount due date shall pay a deposit of twenty five percent (25%) of the amount in dispute prior to the BWSCR's receipt of the appeal. After a shut off notice has been generated on said account, a fifty percent (50%) deposit will be required. After the service has been shut off, a deposit for the entire amount must be submitted. The Director of Finance has the right to waive any deposit.

Any person, feeling aggrieved by a decision of the BWSCR may appeal such decision to the Board of Water and Sewer Charge Appeals by notifying the Director of Finance in writing within fourteen (14) days after receiving notice of the decision. Such notice shall contain the grounds for appeal. The decision of the Board of Water and Sewer Charge Appeals is final.

- 3) Governmental agencies covered under separate agreements may appeal, on behalf of their Customer, to the Director of Water for any adjustments and the Director's decision will be final. Any appeal to the Director shall include those items listed in subsection (2) of this section. Decisions of the Director do not preclude additional customer services or adjustments on the part of other political subdivisions independent of the City.

O. CUSTOMERS OUTSIDE OF THE CITY OF DAYTON

- 1) Except as modified by agreement, Customers outside the City supplied water directly by the City shall pay twenty five percent (25%) more than the rates for water and fireline service contained in these rules. Customers outside the City supplied water by the City through a master meter shall pay fifty percent (50%) more than the rates contained in these rules. In master metered areas where multiple meters are used or when individual meter readings are totaled for consumption, the meter size used for each bill shall be sized as determined by the Department of Water.
- 2) Customer services and fees rendered outside the City, for other than the purchase of water, shall be charged at twenty five percent (25%) more than the standard charge for similar service within the City, except as provided in the separate agreements.

- 3) Premises outside the City may be supplied water pursuant to a uniform individual agreement entered into between the Customer and the City. The place where the water is used or consumed, not the physical location of the meter, shall determine whether the premises are outside the corporate limits of the City.
- 4) If the water main through which the water is supplied is constructed by the City, the individual agreements shall require a benefit payment to the City in an amount equal to the actual cost of main installation per lineal foot for each foot of land to be served abutting upon the water main. In the discretion of the Director of Water, acreage assessments may be applied in conjunction with or as an alternate to frontage assessments.

P. EMERGENCY WATER CONSERVATION

- 1) The Director of Water shall monitor the quantity and quality of water available to the City Water Supply.
- 2) If the Director of Water determines that an imminent and substantial endangerment of public health or safety exists as the result of an inadequate supply of water, the Director shall immediately notify the Fire Department and issue orders requiring Customers and users to institute such water conservation measures which may include, but not be limited to:
 - a) prohibiting the use of water for the sprinkling of yards, lawns and other ornamental vegetation;
 - b) prohibiting the use of water for the filling of swimming pools;
 - c) prohibiting the outdoor use of water;
 - d) prohibiting any use of water not essential to the maintenance of public health or safety; and
 - e) terminating or restricting service to any Customer or user found to be in violation of an order issued pursuant to this rule.
- 3) No Customer or user shall violate, cause the violation, or permit the violation of any order issued by the Director of Water pursuant to this rule.
- 4) The Director of Water or his designee may enforce this regulation and orders issued hereunder by:
 - a) issuing notices of violations and orders for compliance to any Customer or user;
 - b) installing or requiring the installation of flow restriction devices; and

3. SOURCE WATER PROTECTION

A. GENERAL

For complete information pertaining to the Source Water Protection Program (“SWPP”), refer to R.C.G.O. Chapter 150, Zoning and R.C.G.O Chapter 53, Water. These documents can be reviewed on the City’s website at Water/Environmental Management/Wellfield Protection Program.

B. SUMMARY OF THE SOURCE WATER PROTECTION PROGRAM

The City of Dayton Source Water Protection Program (“SWPP”) was established in 1988 and is designed to protect the City drinking water supply. The ordinances establishing the SWPP are located in Chapter 53 of the R.C.G.O. and the City of Dayton Zoning Code. To encourage the reduction of potential contaminants in the well field, the SWPP offers a variety of incentives to encourage the growth of environmentally friendly businesses.

The Source Water Protection Area (“SWPA”) overlies the Great Miami Buried Valley Aquifer, a federally designated sole source aquifer. This land covers 6,280 acres in six jurisdictions. Other participants in the SWPP include: Harrison Township, the cities of Huber Heights, Riverside, Vandalia, and Wright-Patterson Air Force Base.

C. ZONING DISTRICTS OF THE SOURCE WATER PROTECTION PROGRAM

The SWPA encompasses two (2) zoning districts: the Well Head Operation District (“WO”) and the Well Field Protection Overlay District (“WP”). The WO is comprised of City owned land, most of which is occupied by the Water Department. The WP is privately held land located in the City, specifically in the vicinity of the production wells. In the WP, the base zoning of the affected parcels does not change, but the rules of the SWPP are applicable to those parcels. Some conditional uses are prohibited in the WP such as, underground storage tanks, dry wells and landfills.

A Regulated Substance is defined as anything that is a human health hazard, including petroleum products, and can pose a threat to the drinking water supply. Refer to R.G.C.O 53.20 for a more complete definition.

D. THE SOURCE WATER PROTECTION PROGRAM (SWPP), R.C.G.O. CHAPTER 53

Chapter 53 of R.C.G.O. contains the following: rules for managing regulated substances, chemical inventory reporting, spill reporting, Source Water Protection Fund (“SWPF”) and enforcement provisions. The Director of Water has the authority to implement the SWPP.

Regulated substances are permitted on construction sites in the WSPA upon obtaining a permit. These conditions apply to construction activities:

- 1) on-site fuel storage must be secondarily contained;
- 2) all regulated substances shall be removed when the construction is completed; and
- 3) if construction stops for sixty (60) days, regulated substances must be removed until construction resumes.

Anyone with knowledge of a spill in the SWPA must report it by calling the manager of Water Supply and Treatment immediately. Within one hundred eighty (180) days from the date the spill occurred, the party responsible for the spill shall report the details of the incident, remedial procedures, and measures taken to prevent future spills. For spills, leaks or discharges refer to R.C.G.O. 53.31 (A) – (D). If the City incurs expenses responding to the spill, the party responsible for the spill shall be liable to the City for payment of such expenses.

Underground storage tank owners shall comply with the Ohio Bureau of Underground Storage Tank Regulations. The installation of new underground storage tanks is prohibited in the SWPA.

The Director may prohibit the handling of any regulated substance in the WO that constitutes a real and present danger to the drinking water. The Director of Water can order the cessation of any activity that is a real and present danger to the drinking water, and require the provision of pollution control or abatement to mitigate the danger.

The Director of Water or authorized designee bearing proper identification, shall be permitted to enter private property at any reasonable time, with reasonable cause or with prior notification, for such purposes as inspection, observation, measurement, sampling and records examination.

The use /application of fertilizers, pesticides, or agricultural chemicals in the WO must comply with best management practices (BMP). The site / business owner or contractor must notify the Director and receive approval prior to using fertilizers, pesticides or agricultural chemicals in the WO.

Violators of the SWPP are subject to penalties, which can escalate with each additional violation. Subsequent violations may result in up to six months imprisonment, disconnection from the City's drinking water supply, and/or injunctive relief to terminate the violation.

4. WASTEWATER SERVICE

A. GENERAL

The Sewer Use Ordinance (“SUO”), codified in Chapter 52 of the R.C.G.O., outlines regulations pertaining to use of the City’s wastewater facilities, regulation of sewer construction, control of the quantity and quality of wastewater discharged, wastewater pretreatment, equitable distribution of costs, assurance that existing customer’s capacity will not be preempted, approval of sewer construction plans, issuance of sewer use rules and regulations, minimum sewer connection standards and conditions, and penalties and other procedures upon violation. Due to the comprehensive nature of the SUO, the current version must be referenced to obtain information pertaining to specific regulations. These Rules & Regulations present a summary of topics addressed in the SUO. The contents of the SUO are listed below:

SECTION 52.01 - GENERAL PROVISIONS

- I. Purpose and Policy*
- II. Administration*
- III. Definitions*
- IV. General Definitions*
- V. Abbreviations*

SECTION 52.02 – SANITARY SEWER CONNECTIONS

- I. Sewer Main Extension*
- II. Connection to Sanitary Sewer Required*
- III. Connection Approval*
- IV. Connection Costs*
- V. Separate Connections Required*
- VI. Existing Building Sewers*
- VII. Abandonment of Service*
- VIII. Building Sewer Design*
- IX. Building Sewer Elevation*
- X. Surface Runoff, Groundwater, and Non-Contact Cooling Water Drains*
- XI. Conformance to Applicable Codes*
- XII. Connection Inspection*
- XIII. Excavation Guards and Property Restoration*
- XIV. Allocation of Capacity*

SECTION 52.03 - GENERAL REQUIREMENTS

- I. Waste Disposal*
- II. Prohibited Discharge Standards*
- III. Federal Categorical Pretreatment Standards*
- IV. State Requirements*
- V. Local Limits*
- VI. City's Right of Revision*
- VII. Special Agreement*
- VIII. Dilution*
- IX. Pretreatment Facilities*
- X. Additional Pretreatment Measures*

- XI. *Deadline for Compliance with Applicable Pretreatment Requirements*
- XII. *Accidental Discharge/Slug Control Plans*
- XIII. *Hauled Wastewater*
- SECTION 52.04 – WASTEWATER DISCHARGE PERMIT REQUIREMENTS**
 - I. *Wastewater Discharge Permitting: Existing SIU*
 - II. *Wastewater Discharge Permitting: New Source and New User*
 - III. *Wastewater Discharge Permitting: Extra-jurisdictional Users*
 - IV. *Wastewater Discharge Permitting: Zero Discharge Permits*
 - V. *Wastewater Discharge Permit Application Contents*
 - VI. *Signatory and Certification Requirement*
 - VII. *Wastewater Discharge Permit Decisions*
 - VIII. *Wastewater Discharge Permit Contents*
 - IX. *Wastewater Discharge Permit Appeals*
 - X. *Wastewater Discharge Permit Duration*
 - XI. *Wastewater Discharge Permit Modification*
 - XII. *Wastewater Discharge Permit Transfer*
 - XIII. *Wastewater Discharge Permit Revocation*
 - XIV. *Wastewater Discharge Permit Re-issuance*
- SECTION 52.05 - REPORTING REQUIREMENTS**
 - I. *Baseline Monitoring Report*
 - II. *Report on Compliance with Categorical Pretreatment Standard Deadline (90-day Compliance Report)*
 - III. *Periodic Report on Continued Compliance (Discharge Monitoring Report)*
 - IV. *Compliance Schedules for Meeting Pretreatment Standards*
 - V. *Notification of Significant Production Changes*
 - VI. *Hazardous Waste Notification*
 - VII. *Report of Potential Problems (Including Accidental Spills, Slug Loadings)*
 - VIII. *Non-Compliance Reporting*
 - IX. *Notification of Changed Discharge*
 - X. *Total Toxic Organics (TTO) Reporting*
 - XI. *Reports from Unpermitted Users*
 - XII. *Record Keeping*
 - XIII. *Timing*
 - XIV. *Falsifying Information*
- SECTION 52.06 - SAMPLING AND ANALYTICAL REQUIREMENTS**
 - I. *Sampling Requirements for Users*
 - II. *Analytical Requirements*
 - III. *City Monitoring of User's Wastewater*
- SECTION 52.07 - COMPLIANCE MONITORING**
 - I. *Inspections and Sampling*
 - II. *Monitoring Facilities/Control Manholes*
 - III. *Search Warrants*
 - IV. *Vandalism*
- SECTION 52.08 - CONFIDENTIAL INFORMATION**
- SECTION 52.09 - PUBLICATION OF USERS IN SIGNIFICANT NON-COMPLIANCE**
- SECTION 52.10 - ADMINISTRATIVE ENFORCEMENT REMEDIES**
 - I. *Enforcement Response Plan (ERP)*
 - II. *Notice of Violation (NOV)*
 - III. *Consent Orders*
 - IV. *Show Cause Hearing*
 - V. *Compliance Orders*

- VI. Cease and Desist Orders*
- VII. Administrative Assessments*
- VIII. Emergency Suspensions*
- IX. Termination of Discharge (Non-Emergency)*
- X. Cost Recovery*
- XI. Appeal Procedures*
- SECTION 52.11 - JUDICIAL ENFORCEMENT REMEDIES**
 - I. Injunctive Relief*
 - II. Civil Penalties*
 - III. Criminal Prosecution*
 - IV. Remedies Non-exclusive*
- SECTION 52.12 - SUPPLEMENTAL ENFORCEMENT ACTION**
 - I. Performance Bonds*
 - II. Financial Assurances*
 - III. Water Supply Severance*
 - IV. Public Nuisances*
 - V. Contractor Listing*
 - VI. Publication of Violations and/or Enforcement Actions*
- SECTION 52.13 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS**
 - I. Bypass*
- SECTION 52.14 – SEWER BILLING**
 - I. Fees and Charges*
 - II. Delinquent Accounts*
 - III. Abandoned Accounts*
 - IV. Wastewater Rates – General Information*
 - V. Extra-Strength Surcharge*
 - VI. Wastewater Service Rate Schedule*
 - VII. Customers Outside the City of Dayton*
 - VIII. Complaints & Appeals*
 - IX. Private Sewer Meters (for Billing or Regulatory Purposes)*
- SECTION 52.15 - MISCELLANEOUS PROVISIONS**
 - I. Pretreatment Charges and Fees*
 - II. Severability*
 - III. Conflicts/Repeal*
 - IV. Non-Liability*
 - V. Savings*

B. SEWER MAIN EXTENSION AND LATERAL CONNECTIONS

- 1) The Department of Water, Division of Water Engineering maintains current costs and procedures regarding sanitary sewer main extensions. Interested customers can contact the Department of Water, Division of Water Engineering for further information.
- 2) Lateral connections to an existing sewer can be performed by a licensed plumber. Plumbers performing such work shall contact the Division of Sewer Maintenance for current costs and procedures. Approval of plans, securing permits and payment of applicable fees are required before commencing any lateral work. Certain portions of sewer lateral

installations are performed by the City and billed to the licensed plumber or excavator.

C. CONNECTION TO SANITARY SEWER REQUIRED

- 1) The owner of any house, building or property which is used for human occupancy, employment, recreation or other purposes, and abutting on any street, alley, right-of-way or easement in which there is or may be located a sanitary sewer connected to the treatment facility of the City, is required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities by means of a building sewer (lateral) directly to the sanitary sewer in accordance with the provisions of this Ordinance, within ninety (90) days after official notice to do so, provided that the proper sanitary sewer is within two hundred (200) feet of the property line. The owner is responsible for maintenance of the building sewer (lateral) to the point of connection with the publicly owned sanitary sewer. This Section shall not apply to any person served by a privately constructed, owned, operated, and maintained sanitary sewer and wastewater treatment facility which discharges directly to an outlet in accordance with the provisions of this Ordinance and applicable local, state, and federal laws.
- 2) At such time as a sanitary sewer becomes available as defined above, to a property served by a private wastewater disposal system, a direct connection shall be made to the sanitary sewer within ninety (90) days after official notice to do so, and any septic tanks, cesspools, and similar wastewater disposal facilities shall be emptied and filled with suitable material.

D. CONNECTION APPROVALS

- 1) No person shall uncover, make any connections with or opening into, use, alter or disturb any sanitary sewer or a storm sewer without first obtaining written approval from the Department of Building Services or Department of Water, as appropriate. Industrial Users shall complete an Application for Industrial Wastewater Service that includes wastewater disclosure information.

E. SEPARATE CONNECTIONS REQUIRED

- 1) A separate and independent building sewer shall be provided for every building separately owned. Except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard or driveway, the building sewer serving the front building may, upon the

approval of the Director, be extended to the rear building and the whole considered as one building sewer. The Director assumes no obligation or responsibility for damage caused by or resulting from any single building sewer that serves two or more buildings.

F. EXISTING BUILDING SEWERS

- 1) Existing building sewers may be used for the connection of a new building only on approval of the Director. Exemption requests should be submitted to the Division of Water Engineering. Exemption requests shall contain at a minimum, the name and address of the owner of the property, billing responsibilities and the reason for the exception.

G. ABANDONMENT OF SERVICE

- 1) If a residential, commercial, governmental or industrial structure is scheduled to be razed, the service to the premises will be cut and plugged as required by the Department of Water and the Department of Building Services. The property owner will incur the actual cost. If the service is deemed suitable for future use by the Department of Water, then the owner of the property may apply for a waiver of this rule by submitting a written request to the Director of Water.

H. BUILDING SEWER DESIGN

- 1) The size, slope, alignment, construction materials, trench excavation and backfill methods, pipe placement, jointing and testing methods used in the construction and installation of a building sewer shall conform to the building and plumbing code or other applicable requirements of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (“ASTM”) and Water Environmental Federation (“WEF”) shall apply.

I. SURFACE RUNOFF, GROUNDWATER, AND NON-CONTACT COOLING WATER DRAINS

- 1) No person shall connect roof, foundation, areaway, parking lot, roadway, or other surface runoff or groundwater or non-contact cooling water drains to any sewer that is connected to the City’s wastewater facility. The Director may approve the connection of such drains only when the waters intended for such drains for discharge to the wastewater facility have been approved.

J. PROHIBITED DISCHARGE STANDARDS

- 1) No user shall introduce or cause to be introduced into the Publicly Owned Treatment Works (“POTW”) any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State or local pretreatment standards or requirements. The Director may reject any wastewater that will create hazards or have deleterious effects on the POTW.
- 2) The SUO contains an extensive list of specific discharge prohibitions. Refer to the current SUO for a complete listing of prohibited discharges.

K. CATEGORICAL PRETREATMENT STANDARDS AND OTHER DISCHARGE LIMITATIONS

- 1) The federal government has established National Categorical Pretreatment Standards governing the discharge of certain types of wastewater into public sewer systems. State and local requirements and limitations on discharges are also in effect. The most stringent of these requirements shall apply. Refer to the current SUO for more details on these requirements.

L. HAULED WASTEWATER

- 1) Industrial and/or commercial wastes, and by-products and other materials originating from industrial and/or commercial operations outside the City and the City contract service areas shall not be discharged in any form into the wastewater facilities or storm sewer. The Director may make written exceptions to this provision.
- 2) No person shall access the wastewater facilities for any activity including discharge of hauled septic, industrial, or other wastes except at locations and at times as designated by the Director. Any removal of manhole lids or other access to the wastewater facilities for the purpose of discharging wastes at times and/or locations other than those designated by the Director, or without the expressed permission of the Director, shall be considered a violation and shall be subject to enforcement action including assessments and/or penalties.

M. WASTEWATER DISCHARGE PERMIT REQUIREMENTS

- 1) The Director may require any user to complete and submit to the City an Industrial User’s Survey providing information needed by the Director to properly regulate the business, including, but not limited to, the nature of the business, water use, wastewater quantity and characteristics, and potential for pollutants to enter the City’s wastewater facilities.

No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Director, except that a significant industrial user that has filed a timely application pursuant to the SUO may continue to discharge for the time period specified therein. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of the SUO and subjects the wastewater discharge permittee to the sanctions set out in that ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

- 2) The Director may require other users to obtain wastewater discharge permits (as necessary) to carry out the purposes of this Ordinance.

These provisions apply to both new and existing users, and users located either within or outside of City limits.

- 3) Refer to the current SUO for the details of the permit requirements and procedures.

N. REPORTING REQUIREMENTS

- 1) The SUO contains detailed information concerning the type and frequency of reports that must be filed with the City. The most detailed reporting requirements apply to Categorical Industrial Users (“CIU”). The reporting requirements include the following:
 - a) Compliance reporting following the implementation of a new categorical standard or prior to the commencement of a new discharge.
 - b) Flow and quality information for the discharge.
 - c) Semi-annual reporting on continued compliance with discharge limitations.
 - d) Compliance schedules for any additional treatment and/or operation and maintenance to meet Pretreatment Standards.
 - e) Notification to the Director of significant production changes.
 - f) Notification to the City of hazardous waste discharges.
 - g) Reports of potential problems including accidental spill and/or slug loadings.
 - h) Timely notification of discharges violating discharge limitations.
 - i) Notification of planned significant changes in discharge quality or volume.
 - j) Additional reporting requirements for discharges containing total toxic organics.

Refer to the current SUO for the complete details of all reporting and records requirements.

O. SAMPLING AND ANALYTICAL REQUIREMENTS

- 1) The Sewer Use Ordinance stipulates the type of sampling and sampling durations to be used various types of chemical analysis. Sampling frequencies are addressed in individual user permits. The methods of analysis must conform to 40 C.F.R. Part 136 or amendments thereto. Testing must be performed in a laboratory acceptable to the Director. The City may also collect samples for analysis. The user is required to provide access to the location, suitable to the Director, for the collection of samples

P. COMPLIANCE MONITORING

- 1) Continued connection and use of the City sewer system shall be contingent on the Director's right of inspection and sampling of all discharges into the system. The Director, bearing proper identification, shall have the right to enter the facilities of any user with regards to enforcing this Ordinance, and determine that any wastewater discharge permit or order issued hereunder is followed. Users shall allow the Director ready access to all parts of the premises, including easements, for the purposes of inspection, sampling, records examination and copying and the performance of any additional duties.
- 2) Each user shall provide and operate, at its own expense, a secure, readily and safely accessible monitoring facility or control manhole to allow inspection, sampling and flow measurements of each sewer discharge to the City. Each monitoring facility or control manhole shall be situated on the user's premises, except where such a location would be impractical or cause undue hardship on the user. The Director may concur with the facility or manhole construction in the public street or sidewalk area, provided that the facility is located away from obstructions such as landscaping or parked vehicles. The Director, whenever applicable, may require the construction and maintenance of monitoring facilities or control manholes at other locations (for example, at the end of a manufacturing line, wastewater treatment system).

Q. ADMINISTRATIVE, JUDICIAL AND SUPPLEMENTAL ENFORCEMENT REMEDIES

- 1) The SUO authorizes the Director to pursue the appropriate remedies or actions to enforce compliance with that ordinance.

R. BUILDING LATERALS AND PLUMBING MAINTENANCE

- 1) The building lateral, from the City owned and maintained sewer to the building or facility is the maintenance responsibility of the Customer.
- 2) Repairs of building laterals, beyond the property line, in the right-of-way or easement require the services of licensed plumber and a City permit. Whenever a cut is made in a dedicated street or alley, the plumbing contractor shall contact the Department of Water, Division of Sewer Maintenance. The City shall then perform all said excavations, repairs and restoration with the contractor being billed for the work. For any work on the building lateral or plumbing, City permits and inspection are required.

S. PRIVATE METERS

- 1) Customers or users may use a private sanitary meter for billing purposes only if approved by the Director of the Department of Water. Special billing request shall be submitted to the Director's office for consideration. A fee as specified in a separate City rate schedule shall be charged for each private meter read.
- 2) If a Customer or user utilizes a private meter for billing and/or regulatory reporting purposes, the Customer or user shall maintain the meter at their expense. If the meter malfunctions or fails to register, the measurement of consumption/discharge shall be based on the water meter registration and/or estimated by considering past usage. The Customer or user is required to service and/or calibrate the private meter, at the Customer or user's expense, upon direction of the Department of Water.
- 3) Private meters used for billing purposes shall be calibrated by an independent third party once per year at a minimum, or more frequently if deemed necessary by the Department of Water.

T. SEWER BILLING AND DELINQUENT ACCOUNTS

- 1) All fees, assessments and charges payable under the provisions of the Sewer Use Ordinance shall be paid into the City Sanitary Sewer Fund. Such fees, assessments and charges set forth herein or established in the latest edition of the City's wastewater service charge Ordinance, Section 50.03 of the R.C.G.O.
- 2) All fees, assessments and charges payable under the provisions of this Ordinance are due and payable upon the receipt of notice of charges, or as otherwise specified by the Director. Unpaid charges shall be deemed delinquent and shall be subject to penalty and interest charges as provided

in the latest edition of the City's Wastewater Service Charge Ordinance and may be assessed against the property served on the County tax duplicate.

- 3) The methods and procedures for wastewater service billing and delinquent accounts shall be the same as is reasonably possible to those of water contained in Refer to subsection 2(J) of these Rules and Regulations.

U. WASTEWATER RATES – GENERAL INFORMATION

- 1) For any lot, parcel of land, building, or premises situated within the corporate limits of the City having any connections with the City wastewater system or otherwise discharging wastewater, industrial wastes, water or other liquids, either directly or indirectly, into the City wastewater system, a charge or rental shall be based upon the quantity of water used as measured by the City water meter there in use or by other means acceptable to the Director of the Department of Water.
- 2) If a person is found to be discharging wastewater or other wastes into the City's wastewater system without paying a wastewater service charge or rental, the Director shall, by any such method as is practicable, measure or estimate the quantity of such wastes for the purpose of establishing a proper charge in accordance with the schedule of charges set forth herein, and the Customer shall be charged for the total term of the prior usage on the basis of the quantity so determined.
- 3) When a secondary water supply serves a one family dwelling connected to the wastewater collection system, charges shall be computed on an estimated usage of three thousand (3,000) cubic feet per quarter (for a 5/8 inch meter). The billing for larger Customers served by a secondary water supply shall be reviewed on a case-by-case basis.
- 4) The procedure for applying minimum wastewater treatment charges for private sewer meter installations shall be based on the actual size of the sewer meter; provided however, exceptions such as, but not limited to, multiple sewer meter installations, Parshall flumes and weirs, shall be billed at a ten (10) inch sewer meter size for minimum wastewater service charges.
- 5) Charges will be payable quarterly or monthly as due in accordance with applicable rates.
- 6) When special readings are requested by the Customer or user or needed by the Departments of Water or Finance between regular reading dates, charges will be determined in proportion to the time elapsed since the normal time between regular reading dates.

- 7) The Director of the Finance Department may render bills at regular rates for extended periods running beyond three (3) months when extended periods are necessary. Bills may be issued to Customers or users for periods shorter than three (3) months provided the total number of bills equates to no more than the total number of billings normally issued in a one (1) year period.
- 8) All bills are rendered in gross and net amounts. Net amounts are gross less five percent (5%) discount payable within fourteen (14) days (or sixty (60) days for government agencies). The five percent (5%) discount is offered as an incentive for prompt payment. However, governmental agencies under separate agreements shall make payments to the City per the terms and conditions of said agreements.
- 9) Monthly billing may be implemented for an account when deemed appropriate by the Director of Water or the Director of Finance.

V. EXTRA-STRENGTH SURCHARGE

- 1) The measurement of the strength of the wastewater shall be made by standard sampling and laboratory procedures in a manner acceptable to the Director for purposes of application of the extra strength surcharges. The surcharges shall be made quarterly or monthly at the discretion of the Director.
- 2) For the purpose of applying the surcharge for discharges of higher than normal strength wastewater, the Department of Water, Division of Wastewater Treatment, shall attempt to sample the effluent of the customer's building lateral a minimum of six (6) times per billing cycle. However, if the Director determines that monitoring the user's effluent is not practical, reliable, or cost effective, the Director may specify alternative methods and frequency of determining the characteristics of the wastewaters discharge which will, in the Director's judgment, provide an equitable measurement of such characteristics; provided however, this action is in compliance with federal and state law.
- 3) The Director will append an extra-strength surcharge to the appropriate monthly or quarterly sewer billing account for any user whose average Biochemical Oxygen Demand ("BOD") and/or Total Suspended Solids ("TSS") exceeds the background level of 350 mg/L. In lieu of analyzing for BOD, the Director may opt to establish a Chemical Oxygen Demand ("COD") to BOD ratio for a user to facilitate analysis turnaround time for billing purposes.

W. WASTEWATER SERVICE RATE SCHEDULE

- 1) The rates set from time to time by City ordinance shall apply.

X. CUSTOMERS OUTSIDE THE CITY OF DAYTON

- 1) Except as modified by agreement, individually metered customers outside City Corporation limits connected to and served by the City wastewater treatment facilities shall pay fifteen percent (15%) more than the City rates for wastewater treatment service. Retail customers outside the City under direct contract with the City shall pay twenty five percent (25%) more than the City rates for wastewater service. For those accounts outside the City designated as master metered, the total charges are fifty percent (50%) more than the comparable City rates.

Y. COMPLAINTS AND APPEALS

- 1) The methods and procedures for wastewater services complaints and appeals shall be the same, as much as is reasonably possible, to those of water contained in section 2(N) of these Rules and Regulations.

Z. PRETREATMENT CHARGES AND FEES

The Director may adopt reasonable fees for reimbursement of costs incurred in creating and operating the City's Pretreatment Program. These fees shall be established in a schedule. The schedule may be periodically amended and shall be made available to the public upon request.

AA. REFERENCES

Rates Ordinance No. 30309-03 November 26, 2003
Sewer Use Ordinance No. 28892-94 September 21, 1994

General References: R.C.G.O. Chapter 50

5. STORM WATER DRAINAGE SYSTEM

A. GENERAL

The operation and management of Dayton's Storm Water Utility became a Department of Water function in March 1997 with the passage of Ordinance No. 29358-97. Ordinance No. 30811-08 was passed on November 26, 2008 replacing the original ordinance. That ordinance will not be replicated herein. The major elements of the ordinance are as follows:

- 1) The establishment of the Storm Water Utility for the purposes of managing and protecting the municipal separate storm sewer system (MS4), the prevention of pollution thereof, to classify storm sewer services, and to regulate the rates charged for services.
- 2) Defining the Director of Water powers with respect to the MS4,
- 3) Establishing a system of storm water charges based upon impervious areas.
- 4) Addressing earth-disturbing activities regarding erosion and sediment control and the prevention of the pollution runoff from construction sites.
- 5) Establishing requirements for the review and approval of the designs of storm water drainage systems occurring as part of site development or subdivision planning.
- 6) Defining private drainage facilities and establishing the maintenance requirements for such facilities.
- 7) Establishing the City's right to enter private property for the purpose of inspecting, investigating, obtaining samples, or determining compliance with the ordinance, approved construction plans or an approved storm water pollution prevention plan.
- 8) Establishing prohibitions concerning the connection to or construction over the MS4. Illicit discharges into the MS4 are prohibited; exceptions or acceptable discharges are listed.
- 9) Authorizing enforcement remedies in reaction to violations of the provisions of the Ordinance. These remedies include written notice of violation, cost of abatement of the violation, administrative fines, the recovery of fines levied against the City by the Ohio EPA or the USEPA and stop work orders.

B. EXTENSIONS OF OR CONNECTIONS TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

- 1) No person shall extend or connect to the MS4 or increase their discharge volume or rate into the MS4 prior to applying for and receiving written approval for such connection or extension from the Department of Water, Division of Water Engineering.
- 2) The Director of the Department of Water may publish “Engineering Design Standards for Public Improvements to the Water Distribution System, Sanitary Collection System and Storm Water Collection System and Requirements for Storm Water Management and Erosion Control.” Best Management Practices and Low Impact Development designs will be submitted to and approved by Department of Water, Division of Water Engineering. These Standards include design criteria for storm drainage facilities, construction details and specifications and erosion and sediment control criteria. These Standards may be obtained from the offices of the Division of Water Engineering.
- 3) Areas that are natural tributaries to any segment of the MS4 are provided with service. Diversion of runoff from its natural drainage basin to an adjoining basin is prohibited. When the runoff characteristics of a site are altered resulting either in an increased runoff rate or volume, the Water Department may require the site developer to improve the MS4 and/or regulate the discharge rate from the site. The installations of new dry wells are prohibited in the Source Water Protection Area.
- 4) A storm water drainage plan must be submitted for any subdivision or site development with an area of one acre or more
- 5) New storm sewer mains shall be a minimum of fifteen (15) inches in diameter and catch basin leads shall be a minimum of twelve (12) inches in diameter.

C. RETENTION/DETENTION BASINS

- 1) All detention/retention basins installed to serve private developments or individual building sites shall remain the property of the development or building site owner. Basins serving multiple lots must be located on a parcel of ground held in common by the properties served by the basin. Ownership of these basins cannot be transferred to the City. Basins serving individual lots shall be located on those lots.
- 2) No person shall deny a City employee, presenting proper identification, access to a Customer’s premises for the purpose of inspecting detention/retention facilities, pipes and orifice plates or any other reasonable purpose related to operation of the Customer’s storm water drainage facilities.

- 3) All maintenance of privately owned retention/detention facilities is the basin owner(s) responsibility. When a basin exists on commonly owned property serving multiple properties, a property owner's association shall be established with the responsibility of performing all necessary maintenance and repair functions.

D. PRIVATE DRAINAGE FACILITIES

- 1) The property owner is responsible for all maintenance associated with a private storm lateral from a building or an inlet structure to the MS4. Repairs of private laterals, beyond the customer's property line, in the right-of-way or easement, require the services of a licensed plumber and a City permit. The Customer's plumbing contractor shall contact the City Department of Water when a cut is made in a dedicated street or alley. The City shall perform all said excavations, repairs and restoration and shall bill the contractor for the work. For any work on the private lateral, City permits and inspections are required.
- 2) The property owner shall perform maintenance of the following:
 - a) Dry wells – A maintenance plan is required addressing the routine measures to prevent overflow and cause an illicit discharge to the municipal separate storm sewer system. The installation of new dry well are prohibited in the Source Water Protection Area
 - b) Detention/Retention Basins - Maintain detention/retention basins on property, prevent flooding of storm water into the City MS4 and keep the flow free from litter, debris and other pollutants.
 - c) Floor Drains - All floor drains within a commercial or industrial facility that connect to the MS4 are considered a point source per R.C.G.O. 54.01(I). The property owner must obtain a National Pollutant Discharge Elimination System (“NPDES”) permit for the discharge or reconnect it to the sanitary sewer system or plug it at the owner's expense.
 - d) Storm Sewer Laterals - All existing and new storm sewer laterals that require NPDES permitting also require a storm water pollution prevention plan (SWP3) to prevent illicit discharges to the MS4.
 - e) Storm Ditches and Swales – The property owner shall maintain the storm ditches and swales to preserve the flow from the natural upstream drainage area, to prevent flooding of storm water to the City MS4 and to keep the flow free from litter, debris and other pollutants.

E. SEDIMENT AND EROSION CONTROL

- 1) The property owner shall take measures to control erosion and sediment deposition resulting from construction. A storm water pollution prevention plan must be submitted to Water Engineering for approval for all construction projects disturbing one (1) or more acres of land. The storm water pollution prevention plan must include provisions for phasing construction to minimize exposure to erosion, measures to control erosion and sediment deposition, and an ultimate plan to stabilize the site upon completion of construction. Although an approved storm water pollution prevention plan is not required for earth disturbing activities on sites smaller than one (1) acre; the smaller sites are not exempt from applying the same principles required for larger sites regarding controlling soil erosion and sediment deposition.

F. BILLING AND DELINQUENT ACCOUNTS

- 1) Storm water charges are levied upon premises that have impervious surface areas within the City. Residential premises are charged a flat rate fee as established by City ordinance. Non-residential properties are charged a fee based upon the impervious area as calculated by the Director of Water. Unpaid storm water service charges shall constitute a lien against the property affected. Unpaid storm water charges may be certified to the County Auditor for collection with the property owner's real property tax payment.
- 2) Water service may be shut off to a property where the storm water charges are delinquent. This shut off must follow the delinquency procedures contained in the Water Department Rules and Regulations. Delinquent charges may be transferred to another property with an active utility account owned by the same owner.

G. BILLING COMPLAINTS AND APPEALS

- 1) Customers with a storm service billing complaint shall submit such complaint to the Division of Water Engineering, Customer Relations Section. Water Engineering shall review the complaint for conformance to the City's storm water billing ordinances. The applicant may appeal Water Engineering's decision to the BWSCR and to the Board of Water and Sewer Charge Appeals in accordance with the procedures outlined in Section 2(N). Written appeals to the BWSCR must be made within two (2) billing quarters of the date of the disputed bill, otherwise the bill cannot be disputed.

6. PLUMBERS AND EXCAVATORS

A. GENERAL INFORMATION AND PURPOSE

- 1) The purpose and intent of the Rules and Regulations is to establish guidelines and conditions for connection to or extension of the City's water distribution, wastewater collection, or stormwater drainage systems. Detailed plans including material specifications and methods of installation must be approved and permits obtained prior to installation. The Department of Water reserves the right to specify, implement and enforce the terms and conditions mentioned herein. The role of the plumber and/or excavator in the process of providing utility service is to act as the Customer's agent and install service and plumbing materials in accordance with accepted practice and these Rules and Regulations.
- 2) Customers shall contract with licensed plumbers and/or excavators to obtain service and are obliged to conform to these Rules and Regulations of the Department of Water as a condition of service. Plumbers and/or excavators shall perform all service work in a dedicated street, alley or easement. Customers may perform certain work on premises with the consent of the Department of Building Services and the Division of Building Inspection.

B. LICENSE AND PERFORMANCE BOND

- 1) All plumbers and excavators doing utility work for City Customers shall be licensed and bonded by the City. By obtaining a license and bond, plumbers and excavators agree to perform all utility work in accordance with current specifications and/or standards of the Department of Water.
- 2) All new work shall be guaranteed against defects in materials and workmanship for a minimum of one (1) year after final inspection.
- 3) Plumbers and excavators shall resolve Customer or City complaints concerning materials or workmanship in a timely manner. Recourse for non-performance or failure to resolve problems may include, but is not limited to, revoking permits, assessing violation fees, enforcing bond, making repairs or filing a complaint before the Board of Plumbing Appeals.

C. PERMITS AND INSPECTIONS

- 1) Service permits and inspection are required for all new or repair work on any portion of the water service or sewer lateral except work being performed by City crews on the City maintained facilities. Plumbers and excavators shall obtain permits prior to commencing work. Violations shall be brought to the attention of Department of Building Services, Division of Building Inspections.

D. STANDARDS FOR TAPS, SERVICES AND METERS

- 1) The Department of Water shall provide current standards for materials, methods and cost concerning taps, service and meters. These Standards are published separately from these Rules and Regulations and updated as needed.

E. TAPPING WATER AND SEWER MAINS

- 1) All taps on the City-maintained water distribution system, wastewater collection system, or stormwater drainage system shall be made or supervised by personnel of the Department of Water. Water taps shall be made by the City in areas outside of the corporation limits that are not served through a master meter, except as modified by agreement.

F. MAIN EXTENSIONS

- 1) These Rules and Regulations apply whenever water or sewer facilities are available to the Customer's property. If no main is available, the Customer shall contact the Department of Water, Division of Water Engineering for procedures to follow.

G. WATER SERVICE INSTALLATION – DOMESTIC

- 1) Services shall be installed as detailed in the City's current "Standards for Taps, Services, Meters and Backflow Prevention" Plans shall be submitted for any service larger than one (1) inch in diameter. The plans shall contain the layout, location of meter; location of backflow prevention device and such other detail as may be required by the Department of Water. The minimum permitted pipe size for a new domestic service is one inch in diameter. Existing services less than one (1) in inch diameter may be picked up for reuse subject to a demonstration that the flow capacity of the service will meet the Customer's plumbing system fixture load demand while maintaining the required residual pressure at the fixture with the highest elevation. The Customer is responsible for the cost of upgrading the service if the existing service is not adequately sized to satisfy the Customer's usage demand.

H. WATER SERVICE INSTALLATION – FIRE

- 1) All fire suppression systems require plan approval from the Department of Fire, the Department of Building Services and the Department of Water. The plan shall show the size and type of pipe to be used, location of valves, hydrants, siamese connections, check valves, backflow preventers, and other appurtenances. Plumbers and excavators shall install the underground portion of firelines on the Customer’s premises subject to permits, fees, materials and procedures outlined in “Standards for Taps, Services, Meters and Backflow Prevention” and these rules. Where applicable, plumbers/excavators shall be licensed by the City and by the State of Ohio as sprinkler contractors. The installation methods and materials shall also comply with the current edition of NFPA #24, “Standard for the Installation of Private Fire Service Mains” except as otherwise specified in the City Water Service Standards or the Ohio Building Code. The minimum permitted fire line size is two (2) inches in diameter and all materials shall be new.

I. VALVE AND CURB STOP OPERATION

- 1) Plumbers and excavators licensed by the City are permitted to operate curb stops two (2) inches in diameter and smaller in the course of performing maintenance and repair work. Valves three (3) inches and larger shall be operated solely by City personnel. Any person who without authority operates a curb stop or street valve shall be assessed a *Fee for Unauthorized Use*.

J. PRESSURE/LEAKAGE TEST

- 1) New services for fire and/or domestic use shall be tested. During the test leakage shall not be allowed on exposed joints. Test specifications for domestic services are as follows:

<u>TYPE OF SERVICE</u>	<u>MAIN TO PROPERTY LINE (PL)</u>	<u>PL TO BUILDINGS</u>
K copper (domestic)	Line Pressure	150 psi. or 1.5 times the working pressure, whichever is greater.
Ductile Iron (domestic)	Tested to tap valve at 150 psi. or 1.5 times the working pressure, whichever is greater	
Ductile Iron (fire before double-check valve)	Same as Ductile Iron (domestic)	
Fire line after Double-check Valve	Tested at 200 psi. if subject to pressurization by Fire Department pumps.	

The duration of the pressure/leakage test shall be as required to ascertain a leak-free service as deemed necessary by the inspecting agency.

- 2) For fire service testing, the testing requirements of the current edition of NFPA #24 shall apply. Following satisfactory completion of the hydrostatic test, the line must be flushed also in accordance with NFPA #24. The Contractor shall provide the Fire Department with a completed "Contractor's Material and Test Certificate for Underground Piping."

K. DISINFECTION

- 1) Purity tests are required on all underground piping installed in rigid lengths. New copper pipe from a sealed coil shall be thoroughly flushed prior to use for either fire or domestic use. The required test may be performed by the Department of Water as part of service work done by the City. Two (2) consecutive purity tests twenty-four (24) hours apart shall be administered from a hose bib at the metering location, fire line double-check valve or hydrant as appropriate, in accordance with Ohio Environmental Protection Agency directives and AWWA procedure. Chlorine dosages shall meet or exceed applicable AWWA standards.

L. SEPARATION OF WATER SERVICES AND BUILDING LATERALS

- 1) In dedicated streets or easements a minimum distance of ten (10) feet shall separate parallel water mains and wastewater sewers. Between the water main and the property/easement line a minimum distance of five (5) feet shall separate the water service and building lateral

M. MINIMUM COVER

- 1) The minimum cover on water services from the main to the property or easement line is forty-eight (48) inches.

N. METERED/UNMETERED WATER

- 1) Plumbers and excavators shall ensure that no water is used without a meter. Fees for violation shall be assessed in accordance with these Rules and Regulation.
- 2) Jumpers for testing purposes shall be removed immediately after testing. Any person violating this paragraph shall be assessed a *Fee for Unauthorized Use*.

O. METERING

- 1) Metering plans must be approved prior to installation of new or resumed water service for meters one and one half inches (1-1/2") or larger. Plans shall be submitted to the One Stop Shop, Division of Water Engineering for approval. All new meter spreads and piping shall comply with "Standards for Taps, Services, Meters and Backflow Prevention" as published by the City Department of Water. Meter spreads and piping for services being resumed shall be brought up to current standards. Openings are prohibited ahead of the meter except for 1/4" outlets for pressure gauges.

P. BACKFLOW PREVENTION – CROSS CONNECTION CONTROL

- 1) All water services, whether new or resumed, shall be investigated and analyzed for backflow prevention and cross connection control. Cross connections are prohibited and all installations must conform to the backflow prevention portion of the Rules and Regulations of the Department of Water, the requirements of the Ohio Environmental Protection Agency and the Ohio Department of Commerce. Plumbers are responsible for performing this activity. All backflow prevention devices (types ASSE 1013, 1015, and 1020) shall be installed in accordance with the Department of Water and Plumbing Inspection's current procedures for plans, permits and inspections.

Q. PAYMENT OF ACCOUNTS

- 1) All bills for materials, labor and equipment rendered by the Department of Water in connection with service work, main extensions or fire hydrant usage are payable within thirty (30) days of receipt. Procedures for non-payment may include assessing the bonding company, revoking future permits or prosecutions, and such other measures as allowed by law.

R. PENALTIES

- 1) Plumbers and excavators shall follow proper procedures, including obtaining plan approval and permits, inspections and fees, using proper materials and methods, removal of bypasses, purity tests, etc., and, in general, shall conduct business in a professionally skilled manner. Penalties shall be assessed as detailed in accordance with these Rules and Regulations.

S. EMPLOYEES

- 1) Plumbers and excavators are responsible for the actions and safety of their employees.