

ORDINANCE NO. 2022-073

**AN ORDINANCE AMENDING CHAPTER 915 "SANITARY SEWER USE" OF THE CODIFIED ORDINANCES SPECIFICALLY SECTION 915.11 "LOCAL LIMITS" OF THE CITY OF KENT, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Kent wishes to amend Chapter 915 "Sanitary Sewer Use" of the Codified Ordinances specifically Section 915.11 "Local Limits" to remove language no longer needed and the addition of clarification of our Wastewater Discharge Permit (WDP) for local Industrial Users (IU).

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Kent, Portage County, Ohio:

**SECTION 1.** That Kent City Council does hereby amend Chapter 915 "Sanitary Sewer Use" of the Codified Ordinances specifically Section 915.11 "Local Limits" of the City of Kent to remove language no longer needed and the addition of clarification of our Wastewater Discharge Permit (WDP) for local Industrial Users (IU) as shown on "Exhibit A," attached hereto and made part thereof.

**SECTION 2.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

**SECTION 3.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: July 20, 2022  
Date

J T F  
Jerry T. Fiala  
Mayor and President of Council

EFFECTIVE: July 20, 2022  
Date

ATTEST: Amy Wilkens  
Amy Wilkens  
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE No. 2022-073 ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON July 20, 2022.

Amy Wilkens  
AMY WILKENS  
CLERK OF COUNCIL  
(SEAL)

NOTE:

~~Text~~ Blue text with line through is text to be removed or replaced.

Red Red text is new text to be added.

## Chapter 915 Sanitary Sewer Use Ordinance

### 915.11 LOCAL LIMITS

(a) The Director is authorized to establish Local Limits pursuant to 40 CFR 403.5(c)

(b) Limitations on Wastewater Discharge. The following Pollutant limits are established to protect against Pass Through and/or Interference. No Person shall discharge Wastewater containing in excess of the following Daily Maximum Limits except as provided for below.

(1) ~~Except as provided herein, no Person shall discharge, cause or allow to be discharged into the POTW, any Pollutants which exceed the following limitations set forth in Pollutant Group A.~~ The Director may establish more stringent limitations and/or add additional parameters with limitations as necessary to protect the POTW or the public health, safety and welfare; or to comply with other agencies having jurisdiction over Discharges from the WRF.

(2) Upon proper application therefore, on such forms and in accordance with such regulations and the payment of such fees as the Director shall prescribe, the Director may issue WDPs and/or temporary WDPs to each IU, which shall be valid for a period of time as the Director may allow but in any event, not to exceed five years, subject to the provisions of this Ordinance.

(3) These WDPs may allow the IU User to exceed the local limits, for the parameters in ~~such~~ Pollutant Groups A and/or ~~Pollutant Group B~~ parameters at quantities allocated by the Director; . ~~provided h~~ However ~~that~~ no such permit shall be issued unless:

- (i) the Director first finds that such excess shall not cause damage to, or exceed the capacity of the City's POTW to meet the minimum standards of the Act or any other applicable law or the City's WRF NPDES Permit-; and
- (ii) For limits higher than those listed in the table for pollutant Group B (below):
  - The Industrial User has completed a Baseline Monitoring Report (BMR); and
  - The Director has authorized the Industrial User to discharge such limit under conditions outlined in the:
    - WDP with allocated limits based on the User's contribution to the POTW; or
    - Discharge Authorization Letter.

Pollutant Group A	Daily Maximum Limit (mg/L)
Ammonia-N	30
BOD5 (5-day Biochemical Oxygen Demand)	250
TDS (total dissolved solids)	2,500
TSS (total suspended solids)	300
P (phosphorus)	8
COD (Chemical Oxygen Demand)	500
Oil & Grease - Polar	100

—(2) No person shall discharge, or allow to be discharged, into the POTW any Wastewater containing any of the Pollutants identified as Pollutant Group B in concentrations greater than those listed in the following table, unless the User has completed a BMR, and was issued a WDP with allocated limits based on the User's contribution to the POTW or the Director has authorized the Industrial User to discharge under conditions outlined in a Discharge Authorization Letter.

Pollutant Group B	Daily Maximum Limit (mg/L)
Arsenic	<del>0.117</del> 0.130
Bis-2(ethylhexyl phthalate)	0.527
Cadmium	<del>0.053</del> 0.098
Chromium (total)	<del>12.00</del> 14.894
Chromium (hexavalent)	<del>1.909</del> 1.301
Copper	<del>1.556</del> 1.472
Cyanide	<del>0.388</del> 0.352
Lead	<del>0.504</del> 0.666
Mercury	0.00042
Molybdenum	0.228
Nickel	<del>1.688</del> 1.696
Selenium	<del>0.296</del> 0.234
Silver	0.120
Zinc	<del>4.393</del> 4.416
Oil & Grease - Non-Polar	100
Mercury*	see below

**\*Mercury**

All User's, for the purpose of this section, are potential sources of mercury Discharge into the POTW. Mercury is a BCC as defined by this Ordinance. The City will use EPA Method 1631E for determination of mercury concentrations in User's Wastewater

~~Discharges. When this analytical method determines to the City's satisfaction that mercury is detectable in the User's Discharge to the POTW, the User shall implement Best Management Practices (BMP's) as defined under Section 915.04 of this Ordinance, which may require the User to submit and implement a BMP plan and/or Waste Minimization Plan (WMP) for mercury Discharge minimization. Any User failing to implement BMP's and WMP's to the satisfaction of the Director shall be subject to enforcement actions as defined in this Ordinance.~~

(c) The Director may develop Best Management Practices (BMP's) by Ordinance or in WDP's to implement Local Limits and the requirements of Section 915.07.

(d) As per 40CFR403.12 (e) and/or (h) all SIU's receiving WDPs are required to monitor for all parameters listed in Section 915.11(b) at a minimum semi-annual frequency. Reports shall be submitted to the City with the semi-annual reporting periods defined as January-June and July-December of each year with reports due within 30-days of period end or at frequencies required by the Director. Should sufficient monitoring data indicate that the listed Pollutant(s) is(are) not present (or below detectable limits) in the SIU's Wastewater Discharge, the Director may waive all (or a portion of) these testing and reporting requirements as determined appropriate.

(1) Monitoring Waivers.

A POTW's legal authority as an approved program now allows the POTW to authorize, at its discretion, an industrial user subject to a categorical pretreatment standard, except for Centralized Waste Treatment facilities regulated by and defined in 40 C.F.R. 437, to forego sampling of a pollutant regulated by a categorical pretreatment standard.

Monitoring waivers do not apply to pollutants where there are certification processes and requirements established by the ~~control authority~~ City or by categorical pretreatment standards (e.g. TOMP/certification alternative to total toxic organics monitoring) unless allowed for by the applicable categorical pretreatment standard.

If a waived pollutant is found to be present or is expected to be present based on changes that occur in the IU's operations, the user shall be required to immediately notify the ~~control authority~~ City in writing and start monitoring that pollutant at the frequency specified in the POTW's pretreatment program.

The monitoring waiver applies only to IU self-monitoring and does not remove the POTW's obligations for IU monitoring for that parameter. However, the waiver can be extended to POTW monitoring done to satisfy IU self-monitoring.

In making its request for a pollutant monitoring exemption, the industrial user must demonstrate through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user.

In making a demonstration that a pollutant is not present, the industrial user must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative wastewater from all processes.

Non-detectable sample results may only be used as a demonstration that a pollutant is not present if the USEPA approved analytical method from 40 C.F.R. 136 with the lowest method detection limit for that pollutant was used.

Waivers are valid only for the duration of the effective period of the IU's ~~control mechanism~~ WDP but in no case longer than five years. The IU must submit a new request for the waiver before the waiver can be granted for each subsequent ~~control mechanism~~ WDP .

The request for a monitoring waiver shall be signed by an authorized representative of the industrial user in accordance with paragraph (F) of rule 3745-3-06 of the Administrative Code, and it must include the certification statement in 40 C.F.R. 403.6(a)(2)(ii). This is the standard "I certify under penalty of law" statement.

The ~~control authority~~ City shall include any monitoring waiver as a condition in the industrial user's ~~control mechanism~~ WDP. This simply means that the ~~control mechanism~~ WDP needs to acknowledge that a waiver has been granted for a pollutant or pollutants and provide a general justification for the waiver.

The supporting reason(s) for a monitoring waiver and the information submitted by the user in its request for the waiver shall be maintained in the industrial user's file by the ~~control authority~~ City for three years after expiration of the waiver.

The ~~control authority~~ City shall include any monitoring waiver as a condition in the industrial user's ~~control mechanism~~ WDP. This simply means that the ~~control mechanism~~ WDP needs to acknowledge that a waiver has been granted for a pollutant or pollutants and provide a general justification for the waiver.

The supporting reason(s) for a monitoring waiver and the information submitted by the user in its request for the waiver shall be maintained in the industrial user's file by the ~~control authority~~ City for three years after expiration of the waiver.

Upon approval of the monitoring waiver and revision of the IU's ~~control mechanism~~ WDP by the control authority, the IU shall certify on each self-monitoring report with the following statement:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standards under 40 C.F.R. [specify applicable national pretreatment standard part or parts], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant or pollutants] in the wastewaters due to the activities at the facility since submittal of the last periodic report under paragraph (E) of rule 3745-3-06 of the Administrative Code."

(Ord. 2015-81. Passed 4-15-15.)